

CMS Board of Directors: March 15, 2019
CONSENT CALENDAR: Items for Approval

- Item 1: Minutes from 1-18-19, BOD Meeting; Pages 1-7
- Item 2: Minutes from the 11-1-18, WICPIC Meeting; Pages 7-8
- Item 3: Minutes from the 1-10-19, WICPIC Meeting; Pages 9
- Item 4: Minutes from the 1-16-19, COL Meeting; Pages 9-12
- Item 5: Minutes from the 2-6-19, COL Meeting; Pages 12-14
- Item 6: Minutes from the 2-20-19, COL Meeting; Pages 14-16
- Item 7: Nominations for Councils and Committees Page 16

Item 1: 1-18-19, BOD Minutes:

MEMBERS PRESENT

President	Deb Parsons, MD
Imm. Past President	Robert Yakely, MD
Districts 1 & 2	Vacant
Districts 3 & 4	Vacant
District 6	Brandi Ring, MD
District 7	Leto Quarles, MD
District 8	Mark Johnson, MD
District 9	Curtis Hagedorn, MD
District 12	Patrick Pevoto, MD
District 13	Brad Roberts, MD
District 14	Sofiya Diurba, MSC
RFS	Vacant

MEMBERS ABSENT (EXCUSED)

President-elect	David Markenson, MD
District 5	Jason Kelly, MD
District 10	Rocky White, MD
District 11	Cory Carroll, MD
CPMG	Kim Warner, MD

MEMBERS ABSENT (UNEXCUSED)

GUESTS PRESENT

Judy Ladd, Sara Lipnick, Andrea Chase, Sharon Jewett, Maria Medina, Mike Ware, Stephen Boucher, Tom Keyse, Dr. Brent Keeler, Sara Early, Angela Graham, Dr. Osbourne-Roberts, Dr. Dave Downs, Erik Lakey, Iris Burgard

CMS STAFF

Alfred Gilchrist, Susan Koontz, JD, Chet Seward, Dean Holzkamp, Gene Richer, Dianna Fetter, Krystle Medford, Marilyn Rissmiller, Tim Roberts

CMS President Debra J. Parsons, MD, started the meeting at 1:00 pm by acknowledging Tom Keyse with Charney Associates. CMS has contracted with Charney on its board best practices project. Mr. Keyse will be the principle that works with CMS during the contract engagement. He practiced law for thirty years with two highly-regarded corporate law firms in Denver, concentrating his practice on commercial finance transactions and enforcement of creditors' rights. Mr. Keyse brings extensive experience with successful nonprofit, faith-based, arts and trade and membership organizations, primarily as a board of directors member and chairperson with a significant understanding of management and fiduciary responsibilities.

Dr. Parsons also acknowledged Sr. Director of Policy, Amy Goodman. Dr. Parsons made the following points:

1. Amy comes to us with a bachelor's degree in health care policy and law, and a masters in bio ethics, and a law degree with a health care emphasis.
2. She is already making helpful contributions on our policy issues.
3. Amy grew up in Colorado and is a passionate advocate for physicians with her mother being an OB/GYN and longtime member of CMS and her sister being a resident at CU medical school.

Dr. Parsons proceeded with introductions of board members and guests. She noted that everyone in the room should use their microphone when speaking so those on the phone can hear the discussion and asked those on the phone that if at anytime they cannot hear to please speak up.

Dr. Parsons introduced Colorado Physician Health Program representatives for presentation of CPHP Spirit of Medicine award to CMS. Brent Keeler, MD, CMS Past President and Member of the CMS Committee on Wellbeing, Sara Early, CEO and Angela Graham, made the presentation.

III. Fiscal Year 2018-2019 Operational Plan

1. Section 1: Public Policy:

a. Report of Committee on Prescription Drug Abuse

i. Mandatory opioid e-prescribing w/exemptions.

1. Dr. Parsons started the first agenda item, Report of the Committee on Prescription Drug Abuse, by making the following points:
 - a. Chet Seward is going to make a brief presentation to supplement what is in your agenda packet.
 - b. This report is an action item that will need your vote.
2. Mr. Seward reported on the meeting and discussion of the Committee on Prescription Drug Abuse and the Council on Legislation.
3. There was brief Q and A with Mr. Seward and discussion among the board members.
4. A motion was made, seconded and unanimously approved to accept the recommendation that CMS support mandatory electronic prescribing of opioids with exemptions.

b. Reports from the Work Group on HC Cost and Quality

i. Out-of-Network policy development

1. Chet Seward was introduced to provide an update on OON legislation and the work of the Special Work Group on Health Care and Quality.
2. Mr. Seward noted the following:
 - a. Reminded the board that they approved in November 2018 a recommendation from the Special Work Group on Health Care Cost and Quality that CMS proceed with OON legislative specifications and that the work group continue to work on a medical consensus on a minimum benefit standard.
 - b. That the work group met on December 17, 2018, and after two hours of discussion did not reach a consensus on a minimum benefit standard.
 - c. That evidence continued to mount that a percentile of billed charges as minimum benefit standard was not sellable in the current legislative environment; that this point was not fully accepted by all members of the work group.
 - d. That legislation was being developed by health plans and consumers that would set the minimum benefit standard at 125% of Medicare.
 - e. That the work group was continuing its conversation on Base Camp.
 - f. The board accepted Mr. Seward's update for information.

ii. CMS-CIVHC CPT Dashboard Pilot Project

1. Dr. Parsons started the discussion on the proposed CMS-CIVHC Dashboard Pilot Project with the following remarks:
 - a. This is an action item and will need your vote.
 - b. This is a recommendation from the Special Work Group on Health Care Cost and Quality
 - c. It's great to have our second past president of the day to be with us.
 - d. Dr. Tamaan Osbourne-Roberts, also one of our AMA Delegates, is wearing a number of hats these days.
 - e. He is here today in his capacity of Chief Medical Officer for the Center for Improving the Value of Health Care
 - f. CMS has supported CIVHC from its inception from the 208 Blue ribbon commission when it was a mere "vision" to the reality of today, over 10 years later, where CIVHC has become the "go to" organization in Colorado that stakeholders and elected officials look to for data on cost of care.
2. Dr. Osbourne-Roberts provided the board with live demonstration of the dashboard pilot project. There was robust Q and A with Dr. Osbourne-Roberts and among board members.
3. There was strong consensus among the board with the work group's contention that physician members need customized data to help enhance practice viability, improve quality of care, and drive down health care costs. This was also confirmed in a September 2018 CMS membership poll demonstrating that three-quarters (72%) of physician members would be interested (32% of whom would be very interested and 40% who would be somewhat interested), in a report that would highlight opportunities for practice improvement based on their data from an all-payer quality and cost database.
4. Following a discussion, a motion was made, seconded and unanimously passed to:

- Explore a small-scale CMS/CIVHC partnership to provide 15 physician-member practices with customized data reports to understand average and median payments for top CPT codes for specific specialties by payer and region as compared to the Medicare fee schedule; and,
- Carefully evaluate the project to assess report usability and value and priorities for report upgrades including other tools, costs, and business plan options.

Report of the Expert Panel on Professional Review-MPA Sunset

iii. Recommendations on DORA Sunset Report

1. Dr. Parsons turned the board's attention to the report of the Expert Panel on Professional Review and Medical Practice Act Sunset by making the following points:
 - a. This report is an action item and will need your vote
 - b. Our CEO asked to make this report and turned the floor over to Alfred Gilchrist
2. Mr. Gilchrist explained the step-by-step process of the Expert Panel on PR-MPA; how they reviewed every recommendation of the PR and MPA DORA; that the Expert Panel also made recommendations that CMS expand the PR entity reporting options so CMS could stand for greater transparency and so the public would be re-assured that PR is working.
3. Following the presentation by Mr. Gilchrist, a motion was made, seconded and unanimously approved to accept the report of the Expert Panel on Professional Review and Medical Practice Act

c. Report of the Council on Legislation

i. Prior Authorization bill specifications

1. Dr. Parsons started the discussion on the proposed prior authorization bill specifications with the following comments:
 - a. The Council had a special meeting on December 12 with a robust agenda that covered most of our priority public policy items.
 - b. The Council approved bill specifications on prior authorization to address member concerns.
 - c. Introduced Marilyn Rissmiller, CMS Sr. Director of Health Care Finance, to make comments on the proposed legislation.
 - d. This will be an action item.
2. Ms. Rissmiller discussed the process used to arrive at the bill specifications which included member feedback, AMA input and legislation from other states.
3. It was a consensus of the board that there was tremendous physician dissatisfaction with the unnecessarily burdensome prior authorization process currently used by payers, and the goal of this legislation should be to provide prior authorization relief to physicians while promoting safe, timely, and affordable access to evidence-based care for patients. Additionally, enhancing efficiency, increasing transparency and reducing the variations among payers and utilization management organizations will streamline the overall prior authorization process.
4. A motion was made, seconded and unanimously approved to accept the report of the Council on Legislation.

d. Firearm Safety: Consolidated Policies

- Dr. Parsons started the discussion on Firearm Safety by making the following comments:

- Recall the board first considered this as a Central Line proposal in September and voted to refer for study and a report back.
- In November, the board was given a range of policy options and voted to combine existing CMS policy into one, new, easy-to-find, succinct, overarching proposal.
- In response to the November motion, staff consolidated existing firearm proposals for our review and further consideration.
- The following two points were stressed.
 - Current CMS policy gives COL the authority to, and I quote:
 - “support the enactment of reasonable laws that seek to regulate the sale and distribution of firearms in order to protect public health and safety. (325.982)”
 - The board is required by the rules of Central Line to post this consolidated policy on Central Line because we are following up on a Central Line proposal that is yet to run its full course.

1. Dr. Parsons introduced CMS Sr. Director, Chet Seward for further remarks.

2. Following a discussion on process, a motion was made, seconded and adopted unanimously to place the combined existing CMS policy statement as an alternative to a Central Line firearm safety proposal originally submitted in September on Central Line for membership review and final board vote at the March meeting.

3. Section 4: Organizational Excellence:

IV. Board Best Practices: Charney and Associates

1. Dr. Parsons kicked off the discussion on the board best practices project with the following comments:
 - a. CMS contracted with Charney Associates and Tom Keyse to work with the board on this project.
 - b. The board is fortunate to be working with an organization that already has experience with CMS.
 - c. The board contracted with Charney and Associates in 2016 and had a very good experience.
 - d. Tom Keyse, JD., will need to interview 8 members of the BOD.
 - e. After his presentation if you are interested in being interviewed by Tom, please let me know. I will also send an email to the Board.
 - f. I’m excited to turn the floor over to Tom Keyse to talk about our board best practices engagement.
2. Mr. Keyse expressed appreciation for the chance to work with the board of directors. He highlighted the major points in the contract signed by CMS with Charney and Associates.
3. Following Mr. Keyse’s presentation, seven board members volunteered for the interviews.

V. Consent Calendar & some late additions

1. To begin the Consent Calendar, Dr. Parsons made the following points:

- a. Between the November 2018 BOD meeting and today, there were three national holidays, yet our CMS was grinding away; getting ready for the Legislative Session.
 - b. Just incredible dedication and work from our CMS staff and volunteers.
 - c. The board was asked to join Dr. Parsons in recognizing the commitment!
 - d. A last-minute addition to the Consent Calendar as follows:
 - i. They are two appointments to COL that were submitted after the agenda packet was sent to members. They are:
 - ii. Dr. Deborah Archer, nominated by the CO- Chapter of the American Academy of Pediatrics; and,
 - iii. Dr. Todd Mydler – nominated by Boulder County Medical Society
 - iv. Dr. Archer is in the process of renewing CMS membership and Dr. Mydler is a CMS member.
 - e. Dr. Parsons asked for and received a motion to suspend the two-week rule so the board can vote on these nominations (the motion passed unanimously).
2. Dr. Parsons then asked for extractions or comments on the Consent Calendar.
 3. Being none, a motion was made, seconded and unanimously passed to accept the Consent calendar as amended.

VI. Nominating Committee report—Mark Johnson, Chair

Dr. Parsons started the Nominating Committee report with the following comments:

1. The CMS Nominating Committee filed its report posted on basecamp for review by the board.
2. The committee is recommending the CMS Board approve Dr. Harold, "Hap" Young, MD, from Glenwood Springs, to serve as the board member for CMS Districts 1 & 2 and Dr. Dennis Cirillo, MD, from Durango, to serve as the board member for CMS Districts 3 & 4.
3. Committee chair Mark Johnson, MD, will ask for board consideration and a vote to waive the two-week notification requirement since this is an action item. The complete report and candidate applications are in basecamp for your review. Both candidates will be ready to assume full board responsibilities starting with the March board meeting.
4. Following Dr. Johnson's report, a motion to suspend the two-week rule and a motion to approve both candidates was adopted unanimously.

b. Finance Committee Report

1. Financial summary and statements: October-November 2018
 2. Dr. Parsons called on Patrick Pevoto, MD, Chair of the Finance Committee to make the Finance Committee report.
 3. Following Dr. Pevoto's report, a motion was moved, seconded and unanimously approved to approve the report.
4. New Web Site Preview:
 5. CMS Director of Membership, Krystle Medford, previewed the new CMS web site.
 6. Board members provided excellent suggestions.

7. Ms. Medford thanked the board for their time and input.

V. Board Memo Update: Extractions:

8. There were no extractions from the Board Memo Update.

9. A motion was made, seconded and unanimously adopted to approve the board memo update.

VI. Executive Office Reports

A. President—No report provided.

B. President-elect – No report provided.

C. Immediate Past President – No report provided.

D. Chief Executive Officer – No report provided

There were no executive office reports. The meeting was adjourned to Executive Session.

Item 2: 11-1-2018, WCPIC Minutes:

Members Attending: Greg Smith, DO, Chair; Lynn Parry, MD; Kathryn Mueller, MD; Jim McLaughlin, MD; Rob Kawasaki, MD; Tom Denberg, MD; Joseph Ramos, MD; and Ethan Moses, MD.

Guest: Kevin Perez, JD

CMS Staff: Alfred Gilchrist, CMS CEO; Susan Koontz, JD, CMS General Counsel; Marilyn Rissmiller, CMS Senior Director of Health Care Financing; Emily Bishop, CMS Program Manager Government Relations

- I. The meeting was called to order and Kevin Perez, JD was introduced as the outside legal counsel CMS retained to do preliminary research regarding the mandatory arbitration clause that is in Corvel’s provider contracts. Mr. Perez explained that the question of whether or not such a clause is or is not legal is very complex and would require a lot of legal research into not only the state laws governing arbitration, but the federal laws as well. One of the questions that arises is whether or not the federal law preempts state law.

The committee members expressed their concerns with the ability of the insurance carrier to override the Division’s Dispute Resolution Process by the inclusion of a contract provision requiring mandatory arbitration. They believe that the cost of arbitration would be prohibitive for the physicians and over time could lead to physician frustration with the workers’ compensation system. Another concern was expressed that through arbitration the carrier could not only override the Division’s fee schedule but its treatment guidelines as well. This potential deviation from the Division’s rules was extremely troubling as the doctors who work within the work comp system understand there are specific rules and reimbursement payers are supposed to follow.

After discussion the committee members agreed that CMS should:

1. Align with the Division as much as possible:
 - a. Investigate legislation
 - b. Other options

2. Educate CMS members concerning the impact of such a mandatory arbitration clause in their contracts; and
3. Contact Corvel directly with the concern.

- II. It was established that a quorum of WCPIC committee members was present. A motion was made and seconded to approve the minutes of the October 4, 2018 WCPIC meeting as distributed. The motion was unanimously adopted.
- III. Dr. Smith asked if any of the committee members had concerns with the Division's proposed Traumatic Brain Injury Rule 17. Dr. Mueller highlighted the proposed revisions and indicated that they had gotten very few comments as they were drafted. Dr. Parry agreed that there were no substantial changes and did not have concerns.

Dr. McLaughlin indicated he would like for the treatment guidelines and those of the traumatic brain injury impairment ratings to go together more seamlessly. Other committee members agreed, and Dr. Mueller indicated that if CMS were to raise the issue with the Division they may be willing to set up a work group to look at adding explanatory notes to the guidelines. The committee agreed with this approach and asked Dr. Parry who will be attending the hearing on November 29th to make such a request.

- IV. Mr. Gilchrist spoke to the committee members concerning the fact that a small number of workers' compensation physicians are actually CMS members. This issue has been raised again for a number of reasons. In the upcoming year, CMS will have to dedicate much of its resources to the legislative advocacy, and with the retirement of both Terry Boucher and Marilyn Rissmiller, there is currently no one on staff who could devote the time necessary to staff the committee. CMS membership is flat and in order to justify the expenses necessary to continue to staff the committee, attend hearings and stakeholder meetings more workers' compensation physicians will need to become members. Dr. Smith added that the committee would need four or five additional practicing work comp physicians.

Committee members agreed that is important for the CMS to stay involved in the workers' compensation space as it is the sole voice of practicing physicians and should CMS leave the void would be filled by insurance companies and lawyers. Members discussed ideas on how to recruit more physicians to join CMS by educating them as to the value and voice they provide to the workers' compensation system. Some of the ideas included taking the meetings to the practices, by moving closer to where the physicians are the committee can demonstrate the value of the committee and CMS. Set up meetings with the systems, such as Concentra, HealthOne, Centura, etc. Ask for time on their regularly scheduled meetings to talk about the committee/CMS. Build relationships with other specialty societies not only those who focus on workers' compensation but those who receive referrals, such as orthopedics.

- V. The next WCPIC meeting will be held on Thursday, January 10, 2019 at 7:30AM in the CMS Conference Room.

The meeting was adjourned at 9:00 AM.

Item 3: 1-10-2019, WCPIC Minutes:

Members Attending: Greg Smith, DO, Chair; Lynn Parry, MD; Kathryn Mueller, MD; Rob Kawasaki, MD; and Ethan Moses, MD.

CMS Staff: Marilyn Rissmiller, CMS Senior Director of Health Care Financing; and Amy Goodman Senior Director Health Care Policy

- VI. The meeting was called to order, as there was not a quorum, the November minutes were not approved.
- VII. Committee members reviewed legislative draft language that would prevent carriers from including provisions in their contracts requiring binding arbitration and preventing physicians from utilizing the Division's dispute resolution process. The Committee members present were supportive of the draft and asked staff to send to the members who were not in attendance and request their votes.
- VIII. The proposed legislation on APN Level I accreditation was discussed. The Committee members present indicated that they would be supportive of legislation that mirrored the language adopted for PAs. They do not support an APN being an Authorized Treating Provider. They will review again once the amended language becomes available. Dr. Smith asked staff to pose the question of Level I accreditation for APNs of the members not in attendance.
- IX. The proposed rule on the uninsured employer fund was discussed. Dr. Mueller explained that it was clarifying that the Uninsured Employer Fund Board is permitted to contract with a TPA for processing of the claims.
- X. Dr. Smith asked that the issue of the Traumatic Brain Injury Rule 17 be left on the agenda for further discussion.
- XI. It was announced that the DOWC stakeholder meetings begin in January.
- XII. Staff was asked to set up a Basecamp for the Workers' Compensation Committee so that members can discuss committee business in between meetings. Staff was also asked to investigate the use of Zoom for committee meetings.
- XIII. The next meeting will be Thursday February 7, 2019. The meeting was adjourned.

Item 4: 1-16-19, COL Minutes:**Members Attended**

Deborah Archer, William Brandon, Clara Epstein, Enno Heuscher, Shannon Jantz, George Kalousek, Brent Keeler, Rachel Landin, Steven Lowenstein, Mark Matthews, Jason Mayer, Lee Morgan, Carla Murphy, Todd Mydler, Tamaan Osbourne-Roberts, Stacy Para, Deb Parsons, Richard Penaloza,

Scott Replogle, Ian Reynolds, Brandi Ring, Allison Sandberg, Emily Schneider, Luke Selby, Donna Sullivan, Kathleen Traylor, Gary VanderArk, Usha Varma, Mary Wang, Bruce Waring, Kim Warner, Robert Yakely

Members Excused

Stuart Gottesfeld, Kristin Freestone, Mark Johnson, Taj Kattapuram, Alan Kimura, Fred Miller, Lynn Parry, Lisa Swanson, Christopher Unrein

Staff/Non-members Attended

Ryan Biehle, Emily Bishop, Stephen Boucher, Dick Brown, Edie Busam, Kiyomi Daoud, Dave Downs, Amy Goodman, Suzanne Hamilton, Dean Holzkamp, Dan Jablan, Jerry Johnson, Susan Koontz, Martha Middlemist, Jennifer Souders, Eric Speer, Beverly Razon, Marilyn Rissmiller, Chet Seward, Jeff Thormsgaard, Debbie Wagner, Cheryl Law,

Members Absent

Cory Carroll, Nathaniel Hibbs, David Markenson, Stephen Sherick, Michael Volz

Roll Call, Introductions, and Welcome

Dr. Morgan called the meeting to order and took role. She asked the group for any conflicts of interest and Jerry Johnson, Suzanne Hamilton, and Dan Jablan disclosed to Council that they had been retained by the athletic trainers.

Legislation for Action

Dr. Morgan reminded Council about conserving political capitol this session.

HB19-1009

Dr. Morgan advised Council that this bill originated in the Interim Study Committee and seeks to expand the housing voucher program to include individuals with a substance use disorder and require all recovery residences to be licensed. A brief discussion ensued regarding current recovery residence oversight and Council votes to SUPPORT – LOW LEVEL (unanimous).

SB001

Dr. Morgan advised Council that this bill would expand the MAT pilot program to new counties in Colorado and reorganize the program's administration, expand it another 2 years, and increase its annual appropriations. Dr. Morgan also reminded Council that they had supported the original bill in 2017. After brief discussion regarding whether there was data available from the first year of the program, Council voted to MONITOR (unanimous).

SB008

Dr. Morgan introduced the next bill, which would address substance abuse disorder treatment in correctional facilities. After brief discussion, Council voted to SUPPORT – LOW LEVEL (unanimous).

SB079

Dr. Morgan introduced the electronic prescribing legislation for schedule II, III, & IV controlled substances by thanking the PDA committee for their efforts on E-Rx. Susan noted that the majority of exceptions the PDA had fought for were in the bill and the CMS lobby team was working to add more.

Jerry advised Council that the bill had momentum and was likely to pass. After further discussion, Council voted to SUPPORT – MODERATE LEVEL (1 oppose, 1 abstention).

HB1004

Dr. Morgan advised Council that this bill directs the DOI and Dept. of health care policy & financing to explore creating a state option for health care coverage. The CMS lobby team advised council that the bill was likely to pass and after an enthusiastic discussion, Council voted to SUPPORT – MODERATE LEVEL (1 opposed).

SB004

Dr. Morgan informed Council that this bill, to establish a pilot program in the intermountain region for individual in a certain income bracket to be included on the group medical benefits offered to state employees, was expected to have several amendments. Amy Goodman clarified for Council that 100 people and their dependents would be included in this pilot. After a brief discussion, Council voted to MONITOR (unanimous).

HB1001

Dr. Morgan advised Council that this bill was very similar to a transparency bill COL supported last year and the bill sponsor, Chris Kennedy, had specifically asked for CMS support. The CMS lobby team advised Council that this bill was likely to pass and Rep. Kennedy was willing to work with the House of Medicine on the bill language related to physician reporting. After further discussion, Council voted to SUPPORT – MODERATE LEVEL (7 oppose).

HB1028 and SB013

Dr. Morgan gave the floor to AAP to present on both of these medical marijuana related bills. AAP advised Council that they were concerned about the lack of scientific evidence supporting treating children with medical marijuana. They informed Council that they were working to amend the bills to add a protection for pediatric patients and that Governor Polis is expected to sign this legislation if it passes the general assembly. AAP also noted that Colorado is a leader in marijuana policy for the country and as such, must proceed carefully when adding to the list of conditions eligible for treatment by marijuana. After further discussion, Council voted to SUPPORT AAP IN THEIR EFFORTS TO AMEND THE BILL, HOWEVER IF THEY CANNOT AMEND, OPPOSE (1 oppose).

HB1083

Dr. Morgan advised Council that the Scope of Practice subcommittee recommended Council support this bill. Suzanne Hamilton explained that this did not affect Athletic Trainer scope of practice, it would simply comply with a new federal bill and allow Colorado athletic trainers to participate in interstate compacts and travel with sports teams. Council voted to SUPPORT – LOW LEVEL (unanimous).

HB1069

Dr. Morgan gave the floor to Edie Busam on behalf of the Independence Center to present on this bill which seeks to approve certifications of sign language interpreters and gives the commission of the deaf authority to choose qualified testing facilities. She also advised Council that the bill sponsor, Rep. Jackson, has asked the House of Medicine for support. Council voted to SUPPORT – LOW LEVEL (unanimous).

Other Action items

Candor Act

Dr. Morgan introduced the final action item on the agenda. The Candor Act would provide legal protections for confidential communications between a provider or facility and a patient or their legal representation in the event of an incident. The family doctors presented on the act further and asked Council for a conceptual vote pending introduction of the bill. After further discussion, Council voted to support (unanimous).

Other Business

Minutes

Council voted to approve the minutes from the December 12th meeting.

Basecamp

Dr. Morgan reminded Council to continually check basecamp.

CPS

Dr. Kalousek presented to Council briefly about a workgroup forming to address improving psychiatrist Medicaid acceptance rates. He advised Council that he would update them as this effort progressed.

Dr. Steve Perry

Dr. Middlemist informed Council of Dr. Steve Perry's passing after a battle with cancer.

Metro Legislative Night

Emily reminded Council to RSVP to the Metro Legislative Night January 30th and informed the group that the evening's focus would be peer review and malpractice caps.

Dr. Morgan then adjourned the meeting.

Item 5: 2-6-19 COL Minutes:

Members Attended

William Brandon, Cory Carroll, Clara Epstein, Stuart Gottesfeld, Nathaniel Hibbs, Shannon Jantz, George Kalousek, Taj Kattapuram, Mark Johnson, Rachel Landin, Mark Matthews, Jason Mayer, Fred Miller, Carla Murphy, Todd Mydler, Stacy Para, Lynn Parry, Deb Parsons, Richard Penaloza, Scott Replogle, Emily Schneider, Stephen Sherick, Donna Sullivan, Lisa Swanson, Kathleen Traylor, Christopher Unrein, Usha Varma, Mary Wang, Bruce Waring, Kim Warner

Members Excused

Deborah Archer, Kristin Freestone, Enno Heuscher, Steven Lowenstein, Lee Morgan, Tamaan Osbourne-Roberts, Brandi Ring, Robert Yakely

Staff/Non-members Attended

Emily Bishop, Dick Brown, Dave Downs, Amy Goodman, Suzanne Hamilton, Dean Holzkamp, Dan Jablan, Jerry Johnson, Susan Koontz, Martha Middlemist, Jennifer Souders, Beverly Razon, Marilyn Rissmiller, Chet Seward, Jeff Thormsgaard, Debbie Wagner, Cheryl Law

Members Absent

Jeremy Huff, Brent Keeler, Alan Kimura, David Markenson, Ian Reynolds, Allison Sandberg, Luke Selby, Gary VanderArk, Michael Volz, Anna Weyand

Roll Call, Introductions, and Welcome

Dr. Warner called the meeting to order and roll was taken. Dr. Warner asked the group for any conflicts of interest and two members identified conflicts. Dr. Warner then reminded Council to mute their phones when not speaking.

Legislation for Action

SB19-109

Dr. Warner introduced the first bill and handed the floor to Beverly Razon. She explained that medical liability was expressly exempt in this bill. After brief discussion Council voted to MONITOR.

HB19-1077

Dr. Warner introduced House Bill 1077 by informing Council that the bill had passed the House and was pending a committee hearing in the Senate. Council discussed the bill's requirement for the pharmacist to make every reasonable effort to contact the prescriber as well as whether the bill should include a further notification requirement. After a robust discussion, Council voted to SUPPORT – LOW LEVEL (5 oppose)

SB19-073

Dr. Warner advised Council that this bill seeks to create a statewide electronic system for advanced medical directives. Council pointed out that they had supported this bill in the past. Suzanne Hamilton explained the bill to Council further. A question was raised regarding funding for the system. After further discussion, Council voted to SUPPORT – LOW LEVEL.

SB19-005

Dr. Warner introduced Senate Bill 005. Council briefly discussed that the Federal government had not approved similar programs submitted by other states. Council then voted to MONITOR.

HB19-1033

Dr. Warner advised Council that bill had passed committee that day. After brief discussion, Council voted to SUPPORT – MODERATE LEVEL (1 oppose).

HB19-1117

Dr. Warner informed Council that based on a closer look at this bill, it did not affect physicians and therefore, as long as there were no further questions, Council would skip this bill. Council agreed.

SB19-1131

Dr. Warner introduced this bill and Susan Koontz asked Council if this bill would be helpful to physicians. After brief discussion, Council voted to MONITOR.

Updates

Marilyn Rissmiller gave an update to Council on HB19-1105 Nurse Practitioner Worker’s Compensation and advised Council that the Workers Comp Committee was also working on this legislation.

Amy Goodman then gave an update on the reinsurance bill introduced recently and advised Council that it would likely be on the next agenda.

Dr. Warner advised Council that the February 20 meeting would also be via phone. She then adjourned the meeting.

Item 6: 2-20-19 COL Minutes:

Members Attended

William Brandon, Clara Epstein, Enno Heuscher, Nathaniel Hibbs, Jeremy Huff, Shannon Jantz, Mark Johnson, George Kalousek, Taj Kattapuram, Alan Kimura, David Markenson, Mark Matthews, Jason Mayer, Lee Morgan, Carla Murphy, Todd Mydler, Tamaan Osbourne-Roberts, Stacy Para, Lynn Parry, Deb Parsons, Richard Penaloza, Scott Replogle, Allison Sandberg, Emily Schneider, Lisa Swanson, Kathleen Traylor, Christopher Unrein, Usha Varma, Mary Wang, Bruce Waring, Kim Warner, Anna Weyand

Members Excused

Stuart Gottesfeld, Steve Lowenstein, Fred Miller, Brandi Ring, Donna Sullivan, Robert Yakely

Staff/Non-members Attended

Ryan Biehle, Emily Bishop, Dave Downs, Dick Brown, Edie Busam, Amy Goodman, Suzanne Hamilton, Dean Holzkamp, Dan Jablan, Jerry Johnson, Susan Koontz, Terry Lakin, Janet McIntyre, Martha Middlemist, Jennifer Souders, Eric Speer, Marilyn Rissmiller, Chet Seward, Jeff Thormsgaard, Debbie Wagner

Members Absent

Deborah Archer, Cory Carroll, Kristin Freestone, Brent Keeler, Rachel Landin, Ian Reynolds, Luke Selby, Stephen Sherick, Gary VanderArk, Michael Volz,

Roll Call, Introductions, and Welcome

Dr. Morgan called the meeting to order and roll was taken. Dr. Morgan asked the group for any conflicts of interest and two members identified conflicts. Dr. Morgan then reminded Council to mute their phones when not speaking and to use the raise hand function in ReadyTalk if they were on the computer.

Legislation for Action

HB19-1168

Dr. Morgan introduced the first bill on the agenda and explained it was issue CMS was looking at closely. She asked Council to consider the bill but not to take a vote until further information could be gathered. She then handed the floor to Amy Goodman who informed Council that the current staff

recommendation was to support the concept of reinsurance but to oppose a reimbursement system that negatively affected physicians. She discussed a few more aspects of the bill and Susan Koontz asked Council for their questions. Council discussed their concerns and questions with the bill, then elected to move on without voting.

SB19-133

Dr. Morgan introduced this bill and advised Council that it was similar to a bill supported last year. Dr. Kattapuram informed the group that she was testifying in support of this bill at the hearing and if COL voted to support, she would be happy to represent CMS as well. A question was raised regarding physicians who currently do genetic counseling and if this bill would apply to them. Susan Koontz informed Council these physicians would not be affected. Council then voted to SUPPORT – LOW LEVEL (unanimous)

HB19-1145

Dr. Morgan informed Council that bill sponsor had been in close contact with the CMS lobby team on this bill. Susan informed the group that a strike below amendment had been released that afternoon addressing several of CMS' concerns. Council also discussed the optics of supporting this legislation. After further discussion, Council voted to SUPPORT – LOW LEVEL (unanimous)

Out-Of-Network: SB19-134 and HB19-1174

Dr. Morgan then introduced the two out-of-network bills. She informed Council that these may also not need a vote and that the lobby team would go into further detail regarding the current strategy. Dr. Morgan asked Dr. Warner to give some background on HB19-1174, of which KP is a sponsor. Dr. Warner summarized the main aspects of the bill and expressed a commitment to reaching an agreement. She then left the call. The CMS lobby team advised Council of the strategy to reach an agreement and that the bill sponsors were leading the negotiations. Susan Koontz informed Council that this issue was an HOM priority. After a robust discussion, Council provided the lobby team with guidance going forward in their negotiations.

Acupuncturist Language

The next item on the agenda was proposed acupuncturist language related to permissible substances and limited prescriptive authority. Dr. Morgan informed Council the SOP subcommittee had been in conversation with the acupuncturists but did not have a formal recommendation. After discussion, Council identified three areas of concern with the proposed language and provided guidance for the CMS lobby team in their conversations with the acupuncturists.

Updates

Suzanne Hamilton and Edie Busam updated Council on the result of the recent MPA hearing and Dr. Morgan thanked Dr. Kattapuram for her testimony. Suzanne also noted one of DORA's recommendations regarding board authority to discipline licensees based on criminal allegations would not be included in the bill.

Susan Koontz then gave an update on the Podiatry Board hearing and informed Council Senator Fields was convening stakeholders to discuss the issues of thigh skin and bone grafting.

For the final update, Marilyn Rissmiller informed Council the Prior Authorization bill was expected to be introduced the following day. She discussed the intent and aspects of the bill.

Other Business

Council voted to approve the minutes with four changes, which Emily Bishop recorded.

Dr. Morgan informed Council that the next meeting would be March 13th in the Founder's Boardroom.

Council members also noted that they would appreciate discussing conflicts of interest at a meeting toward the end of session in order to clarify what exactly constituted a conflict. Council expressed interest in inviting Cara Lawrence, JD to this meeting. That discussion will be held at the last or second to last meeting of the session.

The meeting was then adjourned.

Item 7: Nominations to Councils and Committees:

COL: Terry Lakin, DO