

**Proposed Standing Rule of the Board of Directors  
Or  
Proposed Policy Statement of CMS  
CMS Involvement in Specialty Society Disputes on Medicaid Fees  
For Action**

**Background:** A recent request of CMS by a state specialty society to intervene in a policy proposal by a Medicaid Fee Advisory Committee of the Department of Health Care Policy and Finance that was opposed by another specialty prompted a discussion by the board of directors about future CMS involvement in fee disputes between specialty societies. Based on this discussion, the board of directors directed the CEO to develop a proposed policy on CMS involvement in Medicaid fee disputes between specialty societies.

**How the proposed policy was drafted:** The CEO, Sr. Directors and leadership developed the proposal

**What the board will be voting on, unless board discussion goes in a different direction:**

1. Vote 1: The substance of a statement regarding CMS involvement in Medicaid disputes between specialty societies; and,
2. Vote 2: Whether the “statement” should be adopted as a “Standing Rule of the Board of Directors”; or adopted as proposed CMS “policy” and submitted through Central Line.

**Vote 1: Proposed statement on CMS involvement in Medicaid fee disputes between specialty societies:**

“It shall be a (standing rule of the board of directors or policy of CMS) regarding Medicaid fee disputes between specialties:

1. CMS affirms current policy that states, “It is the basic right and privilege of each physician to set fees for services that are reasonable and appropriate, while always remaining sensitive to the varying resources of patients and retaining the freedom to choose instances where courtesy or charity could be extended in a dignified, ethical and lawful manner.”
2. Because it is the strong preference of the board of directors that CMS represent the entire house of medicine as one voice, CMS does not involve itself in Medicaid fee disputes that benefit one specialty over another, except when serving as a convener of the involved specialties to achieve consensus or as

otherwise determined by the Council on Legislation and approved by the board of directors.

3. CMS will vigorously advocate for increased fees and/or improved processes in the Colorado Medicaid program that benefits all specialties or where there is a consensus desire from the house of medicine.

## **Vote 2: Standing Rule or policy?**

1. **Voting to adopt a statement on CMS involvement in Medicaid fee disputes between specialty societies as a “Standing Rule of the Board of Directors” means:** The CMS bylaws provide the following:

“By a two-thirds vote of all members of the Board of Directors, the Board may adopt standing rules not in conflict with the Articles of Incorporation and these Bylaws to govern its proceedings and to repeal such rules by a two-thirds vote of all members of the Board of Directors, provided that the proposed standing rule has been presented in writing prior to the meeting of the Board of Directors.” “All standing rules are available on the website”

2. **Voting to adopt a statement on CMS involvement in Medicaid fee disputes between specialty societies as a “policy” of CMS means:** The bylaws provide:

“The Board of Directors has the sole authority to adopt policy for CMS. A motion or resolution that defines the belief and philosophy of the organization is policy and is applicable indefinitely unless changed. A policy sets a standard for judging and deciding all new proposals dealing with the subject or situation covered by this policy. All policy approved by the Board of Directors will be placed in the CMS policy manual. Sections of the policy manual will be reviewed by the Board of Directors, various councils, or sections as necessary and these bodies will make recommendations to the Board of Directors with regard to any resolutions or motions which should be eliminated from the policy manual by sunseting or which should be amended.”