Board of Governors Regular Meeting Minutes #279 May 2, 2019

L.A. Care Health Plan, 1055 W. 7th Street, Los Angeles, CA 90017

Members

Hector De La Torre, *Chairperson* * Alvaro Ballesteros, MBA, *Vice Chairperson* Robert H. Curry, *Treasurer* ** Layla Gonzalez-Delgado, *Secretary* Stephanie Booth, MD ** Christina R. Ghaly, MD George W. Greene, Esq. * Antonia Jimenez * Hilda Perez Courtney Powers, Esq. Honorable Mark Ridley-Thomas G. Michael Roybal, MD, MPH Ilan Shapiro, MD * *Absent **Via teleconference



Management/Staff

John Baackes, Chief Executive Officer Terry Brown, Chief of Human Resources Augustavia Haydel, General Counsel Thomas Mapp, Chief Compliance Officer Marie Montgomery, Chief Financial Officer Richard Seidman, MD, MPH, Chief Medical Officer Tom Schwaninger, Chief Information Officer

AGENDA		
ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
WELCOME Alvaro Ballesteros, MBA	Alvaro Ballesteros, <i>Vice Chairperson</i> , called the meeting to order at 2:06 p.m. He announced that members of the public may address the Board on matters listed on the agenda before or during the Board's consideration of the item, and on any other topic in the public comment section on the agenda. He also announced that the Board is pleased that people are here to speak to the Board, and would like to ensure that everyone who would like to do so has the opportunity to speak today. He welcomed members of the CCIs and RCACs and informed them that members will be introduced later in this meeting during the ECAC report.	
APPROVAL OF MEETING AGENDA Alvaro Ballesteros	The agenda was approved as submitted.	Approved unanimously by roll call. 8 AYES (Ballesteros, Booth, Curry, Ghaly, Gonzalez-Delgado, Perez, Powers, and Roybal)
PUBLIC COMMENT	There was no public comment.	
APPROVAL OF CONSENT AGENDA Alvaro Ballesteros	 Approve April 4, 2019 meeting minutes Alchemy Contract Amendment <u>Motion BOG 100.0519*</u> To authorize staff to procure three server racks, upgrade electric power and amend the lease service agreement with Alchemy Communications Inc. for additional 	The Consent Agenda were approved unanimously by roll call. 8 AYES (Ballesteros, Booth,



AGENDA ITEM/PRESENTER	MOTIONS / MAIOR DISCUSSIONS	ACTION TAKEN
ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS datacenter cage space in an amount not to exceed \$200,000 for a grand total not to exceed amount of \$3,444,282 to upgrade and strengthen L.A. Care's datacenter infrastructure. Quarterly Investment Report Motion FIN 100.0519* To accept the Quarterly Investment Report for the quarter ending March 31, 2019, as submitted. Marsh & McLennan Contract Renewal Motion FIN 101.0519* To authorize staff to approve the corporate insurance renewal in the amount of \$3,275,973 with insurance broker Marsh and McLennan to provide insurance coverage for the period of April 1, 2019 to April 1, 2020. HealthCare Fraud Shield Contract Motion FIN 102.0519* To authorize staff to execute a contract in the amount estimated at \$2,335,000 with HealthCare Fraud Shield to provide Fraud & Abuse analytics for the period of May 1, 2019 to December 31, 2022. RCAC Membership Motion ECA 100.0519* To approve the following as members to the Regional Community Advisory Committee, as reviewed by the Executive Community Advisory Committee (ECAC) during its April 10, 2019 meeting: Scott Clapson RCAC 4 Ana Maria Uc-Batum RCAC 8 Maribel Vizcarra RCAC 11 Ratify Election of RCAC 7 Vice Chair Motion ECA 101.0519* To ratify the election of Norma Angelica Alvarez as Vice Chairperson of Regional Community Advisory Committee (RCAC) Region 7 f	ACTION TAKEN Curry, Ghaly, Gonzalez-Delgado, Perez, Powers, and Roybal)
CHAIRPERSON'S REPORT	There was no report from the Chairperson.	

AGENDA		
ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
	John Baackes, Chief Executive Officer, reported:	
OFFICER REPORT	• The Elevating the Safety Net (ESN) initiative has brought 49 new physicians to L.A.	
John Baackes	 The Elevating the Safety Net (ESN) initiative has brought 49 new physicians to L.A. County. There were 24 applications for grants by safety net providers to support physicians. The program is becoming known to the community and there is a lot of activity. Eight students are doing well in medical school and there will be an announcement of eight more scholarships awarded over the summer for classes starting in the fall. A contract to train 3,000 In Home Supportive Services (IHSS) workers is culminating in graduations for caregivers this week. This program, implemented in a partnership with the California Long-Term Care Education Center (CLTCEC), is exceeding expectations to train IHSS workers. The 10-week course helps workers who care for L.A. Care members understand how best to use the resources available to them and become integrated into L.A. Care's care management system in order to consistently deliver the best care to L.A. Care members. There are an estimated 240,000 IHSS workers in L.A. County. The speaker at this morning's graduation, Rhonda Green, said "in home care workers have the most demanding, compassionate and personal jobs on Earth. Whether it is a relative, a friend or a neighbor, we treat every consumer with kindness and care. We as a class appreciate the effort L.A. Care Health Plan has taken to give us, as providers, the knowledge and new skill sets to help us give better care for the tonsumer and for L.A. Care understanding the effort, time and seriousness we providers have to backup plan, and feels more self-sufficient." Mr. Baackes would like to continue and expand this important program to further support and educate the workers. Of particular note is the new ability of the caregivers to communicate among each other and form support groups. Board Member Hilda Perez reported that she attended a recent CLTCEC graduation in Bell Gardens. It was a great pleasure for her to attend the graduation, and she felt a high energy level among the graduates and their	

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	 California is pursuing an aggressive program under Governor Newsom with four major components that will affect L.A. Care: Expand Medi-Cal benefits to undocumented adults to the age of 26 Implement a state mandate to mimic the tax penalty that was formerly part of Affordable Care Act but eliminated in the federal budget of 2017 Expand premium subsidies up to 600% of FPL to cover a gap in benefits for eligible beneficiaries 	
	 Carve pharmacy benefits out of benefits administered by managed care plans to achieve greater cost savings. While L.A. Care applauds efforts to reduce prescription drug costs, there is concern about how this will be implemented. L.A. Care staff is working with state administrators to discuss implementation strategies and protect patients. Also concerned about potential elimination of 340B program which will affect funding for Federally Qualified Health Centers. 	
	• Board Member Booth commented that the state contracts with managed care plans for comprehensive services and then carves out benefits. It does not make sense to her.	
	• Mr. Baackes reported that there is concern at the federal level that though it is not likely that anything will change in next two years because of the divided congress, L.A. Care is monitoring legislative proposals on health care coverage. The concern is for continuation of coverage through the Medi-Cal program, which is vital to enrollees, and quality improvements and cost savings have been built in over the years.	
	• L.A. Care will continue to monitor proposed changes. He noted that the proposed changes federal regulations related to the "public charge" have not materialized, and more than 200,000 public comments were submitted. A proposal to eliminate the rebates for pharmacy services was also made, which could result in price increases if not properly implemented.	
	• L.A. Care is one of just two plans in California with continued growth in membership for Cal MediConnect (CMC), a program for dually eligible beneficiaries. This pilot program originally scheduled to end in 2019 but has been extended to December 31, 2022. This program offers a comprehensive and comprehendible way to manage the complex set of benefits which these members receive from Medicare, Medi-Cal and a third party managing pharmacy benefits. CMC organizes all those benefits and adds care management services under one health plan for the member.	
	 L.A. Care will hold its June meeting at the Hillcrest Retirement Community in La Verne. Board Member Courtney Powers asked how CVS Minute Clinics will fit in with coordination of care for L.A. Care members. Mr. Baackes noted that L.A. Care continues to 	



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	 see high rates of inapprofor members. Member Powers clarifier Minute Clinics into the Richard Seidman, MD, complaints from members complain they room (ER) instead. L.A the nurse advice line (N options for members. I to PCPs. There is a cor PCPs. Board Member Roybal (HIE) so the member in that L.A. Care is encour Board Member Booth or the set of the	opriate ER use and is seeking to expand urgent care opportunities ed that she is curious about integrating reports on member visits to network for continuity of care. MPH, <i>Chief Medical Officer</i> , noted that a leading issue among the ers is access to care. The utilization of urgent care sites is low, and y are turned away from urgent care centers and go to the emergency A. Care urges members to use their primary care physician (PCP) or IAL), and is planning to launch a telehealth option to provide He noted that ER use by members doesn't usually get communicated ntractual expectation for minute clinics to provide clinical records to asked if Minute Clinic will be in the health information exchange nformation can be provided electronically. Dr. Seidman reported raging all clinics to join LANES. commended L.A. Care for adding in the contract the clinical report inks that piece is missing for urgent care products.	
Executive Community	Board Member Conzalez F	Delgado acknowledged the RCAC / CCI Members in attendance:	
Advisory Committee	RCAC	Member Name	
(ECAC)	1	Alicia Flores / Rut Hernandez	
	2	Socrates Rodriguez / Ana Rodriguez	
Hilda Perez/Layla Gonzalez-Delgado	3	Lidia Parra / Maggie Belton	
Conzalez-Deigado	4	Rachel Rose Luckey / Phyllis Coto	
	5	Carmen Delgado / Gabriela Quintanilla	
	6	Bridgitte Green / María Núñez	
	7	Guadalupe Perez / Norma Angélica Álvarez	
	8	Mario Mosqueda / Dioselina Garcia	
	9	Ichnarin Chea / Arun Tes Yang	
	10	Norma Flores / Fresia Paz	
	11	Marina Garcia / Maria Angeles Refugio	

 She reported that ECAC met on April 10. Due to the CCI Council restructure, the ECAC approved meeting minutes for the final CCI Council meetings held in February and March. ECAC approved Norma Angelica Alvarez as the new Vice Chair for RCAC 7. Dr. Seidman informed ECAC of a new Community Resource Platform that can be accessed through the internet. Members will be able to access the platform to look up targeted resources such as service providers that can help meet their needs. 	ON TAKEN
 Mr. Baackes reported on current and possible actions related to the ACA. Marie Mercado Grivalja, Manager, Cultural and Linguistics, presented the goals of the C&L program and the services they provide to members. Goals include meeting language assistance needs of members and train L.A. Care staff and doctors to be culturally sensitive. Services provided include over the phone interpreting services, California Relay Services for deaf or hard of hearing members, translation of materials in other languages, and in-person interpreting services for medical visits. L.A. Care had 6,377 requests for interpreters in 32 languages and 170,369 calls during fiscal year 2017 and 2018 and managed 1,350 documents, totaling over 4.7 million words. Sylvona Boler, Manager of Regulatory Analysis & Communication, Compliance Department, presented L.A. Care's Code of Conduct, which is adhered to by anyone affiliated or doing business with L.A. Care. She also provided members with examples of ways to file a complaint with L.A. Care. AJ Lopez, Director, Provider Contracts & Relationship Management, Provider Network Management and Karla Salmon, Manager, Provider Contracts & Relationship Management, Provider Network Management and Karla Salmon, Manager, Provider Contracts & Relationship Management, Provider Network Management and teras by Provider Contracts & Relationship Management, Provider Network Management and Karla Salmon, Manager, Provider Contracts & Relationship Management, Provider Network Management and Karla Salmon, Manager J Reversed Contracts & Relationship Management, Provider Network Management and Karla Salmon, Manager Departments, Call The Car. Care Harbor occurred in Pomona on April 27 and 28 and we hope that many members on the East side of the county were able to take advantage of this opportunity to get free healthcare. Board Member Gonzalez Delgado had the opportunity, along with Hilda Perez, to visit RCAC 2 in the San Fernando Valley, and was pleased to see the	ON TAKEN

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	Marie Montgomery, <i>Chief Financial Officer</i> , indicated that the forms were reviewed and she noted that stipend income is reportable on 1099, and is correctly included in Box 7. She agreed to report to ECAC on this issue.	
	Mr. Baackes noted that L.A. Care recognizes that there are continuing challenges with providers in the Antelope Valley. L.A. Care has engaged providers through several programs, and he offered to report this to ECAC.	
STANDING COMMITTE	E REPORTS	
Executive Committee Alvaro Ballesteros	The Executive Committee met on April 22 <i>(a copy of the minutes of the meeting can be obtained by contacting Board Services).</i> The Executive Committee approved a motion to update human resources policies. The committee also received an update on CCI Council restructure and L.A. Care advisory committee members provided input on the restructure. This was an update. Staff will bring revised Advisory Committee Operating Rules for discussion and approval at a future meeting to formalize the restructure.	
Government Affairs Update Cherie Compartore	Cherie Compartore, <i>Senior Director Government Affairs</i> , reported that: <u>Single Payer Commission</u> Governor Newsom recently announced that he wants to overhaul an existing health care council to study the feasibility and the steps needed for a single payer system in California. The existing council was focused more broadly on health care issues and not solely on single payer. Assembly member Wood, who prompted the existing council, has signaled his support for the change in focus. Under the Governor's proposal, the council membership would be increased from five to 13 members, with new members appointed by the Governor, the Senate, and the Assembly. Health and Human Services Secretary Ghaly would serve as chair. Other non-voting members would include the directors of Health Care Services and Covered California, and the Public Employee Retirement System Chief Executive Officer. The new commission would be responsible for submitting two reports to the Legislature: one report to be released in July 2020 would analyze the existing health care system and provide options on initial steps towards transitioning to a single payer system. The second report would contain a deeper analysis of how the state could fully achieve single payer health care, and would propose a structure and potential financing mechanisms including possible tax increases.	

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	The Governor's proposal requires legislative approval, likely to be negotiated in the budget process. Speaker Rendon has so far been the only legislator to publicly say he is not supportive, although his opinion could change during budget negotiations.	
	<u>Medi-Cal Expansion</u> Of particular interest to L.A. Care is a discussion of the further expansion of Medi-Cal coverage to income-eligible undocumented adults. Undocumented children to age 19 are currently eligible for Medi-Cal. Governor Newsome proposes limiting expansion up to age 26, while Democratic lawmakers have introduced legislation to cover all undocumented adults age 19 and older. The estimated cost to cover everyone, including IHSS workers, is \$3.2 billion annually. Governor Newsom stated in his January budget proposal that he is not prepared to cover all undocumented adults due to the high cost. The Governor and Legislative Leadership will continue their discussions on coverage expansion during budget negotiations.	
	<u>Restoration of Medi-Cal Optional Benefits</u> About ten years ago the state cut optional benefits in the Medi-Cal program. Some of those benefits have been restored, such as adult dental services, acupuncture, and psychology.	
	In 2017, legislative Democrats tried to restore the remaining optional Medi-Cal benefits, but were unsuccessful for the most part. Then Governor Brown approved the restoration of optometry but it was contingent upon legislative approval to fund. Governor Newsome did not include funding for the restoration of optometry benefits in his January 2019 Budget proposal. As a result, Senator Holly Mitchell is leading an effort in the budget committee process proposing to restore not just optometry but also to restore coverage for incontinence creams and washes, podiatry, and speech therapy. Restoration of these benefits will likely be part of the budget negotiations.	
	Board Member Gonzalez-Delgado asked about the recent release of the CMS draft Rule on non emergency medical transportation benefits and the impact on the state. Ms. Compartore indicated she would look into the issue and respond.	
	Board Member Perez asked about <i>Health for All</i> . Ms. Compartore indicated that L.A. Care has taken formal support positions on many of the bills in the Health for All legislative package. She referred to information in the legislative matrix included in materials for this meeting.	
	Member Booth asked how the Governor defines single payer. Ms. Compartore indicated that Governor Newson has not yet provided a formal definition of this term.	

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Finance & Budget Committee	 Robert Curry, <i>Treasurer</i>, reported that the Finance & Budget Committee met on April 22. (<i>The minutes of that meeting are available by contacting Board Services.</i>). The Committee approved the following motions that do not require Board approval: Contract with Newgen Software, and Contract Extension with Verizon Business Network. 	
Chief Financial Officer Report	Marie Montgomery, <i>Chief Financial Officer</i> , reported (<i>a copy of the report can be obtained by contacting Board Services</i>) on financial results for the fiscal year through March, 2019:	
Marie Montgomery	• The revised budget forecast reflects a slight decline in membership forecast. March results are favorable in comparison to that forecast.	
	Board Member Ghaly asked if the forecast was revised due to lower initial enrollment or was redetermination of eligibility a cause. Ms. Montgomery responded that the enrollment rate has been declining since August, 2018; it is likely due to eligibility redetermination.	
	• Membership in commercial lines of business is also favorable to forecast. There are 82,000 members in L.A. Care Covered.	
	Net surplus is \$29 million, mostly due to lower administrative and non-operating expenses.Member months are favorable.	
	 Revenue is favorable due to retroactive rate increases (Prop 56 funds). Health care costs are unfavorable because of the Prop 56 rate adjustments. 	
	• Operating margin is favorable by \$11 million; administrative expenses are lower than forecast by \$14 million due to timing of expenses budgeted programs.	
	 Net surplus for the year is \$200 million, favorable to forecast by \$37 million. Medical cost ratios for all product lines are close to forecast. 	
	 Medical cost ratios for all product lines are close to forecast. Key financial ratios are positive. The cash to claims ratio is positive due to receipt of \$590 million for the hospital quality assurance fee program. The funds were paid to the hospitals in April. March 2019 fund balance is \$1 billion, representing 629% of the tangible net equity (TNE) required, and 50 days' operating expenses, including the hospital quality assurance fees. Mr. Baackes noted that 50 days is very low. The largest source of income for L.A. Care is Medi-Cal payments, and there may be times that the state does not send funds. While tolerable, 50 days is not ideal. Motion FIN 103.0519 	Approved unanimously by roll call. 9 AYES (Ballesteros, Booth, Curry, Ghaly, Gonzalez-Delgado, Perez, Powers, Ridley- Thomas, and Roybal)
	To accept the Financial Report for the period ended March 2019, as submitted.	Homas, and Koybal)

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Monthly Investment Transaction Report	Ms. Montgomery referred to the report on investment transactions included in the meeting materials for Board member review. (<i>A copy of the report can be obtained by contacting Board Services</i>). As of March 31, 2019, the market value of L.A. Care's investments was \$2.3 billion.	
	Board Member Booth commented on the discussion of TNE and how L.A. Care makes sure that providers get paid. She remembered when the state issued IOUs. That information may be useful in discussions of the state's proposal to carve pharmacy benefits out of Medi-Cal.	
PUBLIC COMMENT	There was no public comment.	
ADJOURN TO CLOSED SESSION	Augustavia J. Haydel, Esq., <i>General Counsel</i> , announced the following items to be discussed in close be considered in open session after this closed session. The Board adjourned to closed session at	
Alvaro Ballesteros	 CONTRACT RATES Pursuant to Welfare and Institutions Code Section 14087.38(m) Plan Partner Rates Provider Rates DHCS Rates Plan Partner Services Agreement REPORT INVOLVING TRADE SECRET Pursuant to Welfare and Institutions Code Section 14087.38(n) Discussion Concerning New Service, Program, Business Plan Estimated date of public disclosure: <i>May 2021</i> 	
	CONFERENCE WITH REAL PROPERTY NEGOTIATORS Section 54956.8 of the Ralph M. Brown Act Property: 3101 W. Pico, Los Angeles, CA. 90019 Agency Negotiator: John Baackes Negotiating Parties: Eurostar, Inc. DBA ("WSS"), William Argueta Under Negotiation: Price and Terms of Payment PEER REVIEW Welfare & Institutions Code Section 14087.38(n)	
RECONVENE IN OPEN SESSION	The Board reconvened in open session at 4:02 p.m. Board approved a motion to extend the Plan Partner Services Agreements for Anthem Blue Cross California Promise Health Plan through September, 2025.	s and Blue Shield of

AGENDA ITEM/PRESENTER

MOTIONS / MAJOR DISCUSSIONS

ADJOURNMENT

The meeting was adjourned at 4:02 p.m.

Respectfully submitted by:

Linda Merkens, Senior Manager, Board Services Malou Balones, Senior Board Specialist Victor Rodriguez, Board Specialist APPROVED BY:

Layla Delgado-Gonzalez, *Board Secretary* Date Signed _____

AGENDA ITEM/PRESENTER

MOTIONS / MAJOR DISCUSSIONS

ACTION TAKEN

ADJOURNMENT

The meeting was adjourned at 4:02 p.m.

Respectfully submitted by:

Linda Merkens, Senior Manager, Board Services Malou Balones, Senior Board Specialist Victor Rodriguez, Board Specialist APPROVED BY:

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Layla Delgado-Gonzalez, *Board Secretary* Date Signed