

BOARD OF GOVERNORS
Executive Committee

Meeting Minutes – June 28, 2021

1055 West 7th Street, Los Angeles, CA 90017



L.A. Care
 HEALTH PLAN

Members

Hector De La Torre, *Chairperson*
 Al Ballesteros, *Vice Chairperson*
 Robert H. Curry, *Treasurer*
 Layla Gonzalez, *Secretary*
 Stephanie Booth, MD
 Hilda Perez

Management/Staff

John Baackes, *Chief Executive Officer*
 Terry Brown, *Chief Human Resources Officer*
 Linda Greenfeld, *Chief Product Officer*
 Augustavia J. Haydel, Esq., *General Counsel*
 Tom MacDougall, *Chief Information & Technology Officer*
 Marie Montgomery, *Chief Financial Officer*
 Francisco Oaxaca, *Chief of Communications & Community Relations*
 Noah Paley, *Chief of Staff*
 Acacia Reed, *Chief Operating Officer*
 Richard Seidman, MD, MPH, *Chief Medical Officer*

California Governor issued Executive Order No. N-25-20 and N-29-20, which among other provisions amend the Ralph M. Brown Act. Members of the public can listen to this meeting via teleconference.

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
CALL TO ORDER	<p>Hector De La Torre, <i>Chairperson</i>, called to order the L.A. Care Executive Committee and the L.A. Care Joint Powers Authority Executive Committee meetings at 2:06 p.m. The meetings were held simultaneously. He welcomed everyone to the meetings.</p> <ul style="list-style-type: none"> • For those who provided public comment for this meeting by voice message or in writing, we are really glad that you provided input today. The Committee will hear your comments and we also have to finish the business on our Agenda today. • If you have access to the internet, the materials for today’s meeting are available at the lacare.org website. If you need information about how to locate the meeting materials, please let us know. • Information for public comment is on the Agenda available on the web site. Staff will read the comment from each person for up to three minutes. • The Chairperson will invite public comment before the Committee starts to discuss the item. If the comment is not on a specific agenda item, it will be read at the general Public Comment item 2 on today’s agenda. 	

APPROVED

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
APPROVE MEETING AGENDA	The Agenda for today’s meeting was approved.	Approved unanimously by roll call. 6 AYES (Ballesteros, Booth, Curry, De La Torre, Gonzalez and Perez)
PUBLIC COMMENTS	There were no public comments.	
APPROVE MEETING MINUTES	The minutes of the May 24, 2021 meeting were approved as submitted.	Approved unanimously by roll call. 6 AYES
CHAIRPERSON’S REPORT	Chairperson De La Torre reported that nominations for Board Officers will open at the September 2 Board Meeting. The Governance Committee will meet in September or October to review nominations and possibly develop a slate of officers for the Board to consider at the November Board meeting. Newly elected officers can assume the position immediately or at a future meeting, as determined by the Board.	
CHIEF EXECUTIVE OFFICER REPORT	<p>John Baackes, <i>Chief Executive Officer</i>, reported:</p> <ul style="list-style-type: none"> L.A. Care Health Plan staff is developing plans for implementation of the benefits that will begin in January 2022 under the new California Advancing & Innovating Medi-Cal (CalAIM) program. Those benefits will include Population Health Management, and the introduction of Enhanced Care Management and In Lieu of Services. The latter two are particularly difficult because L.A. Care is already caring for thousands of people under two existing demonstration programs: Health Homes and Whole Person Care. L.A. Care is concerned about members transitioning successfully with their health and other care services to the new permanent programs. The California Department of Health Care Services (DHCS) has proposed coverage under CalAIM that doesn’t seem to match the service needs of L.A. Care’s members who are in those two existing demonstration programs. DHCS has indicated that member needs will be reassessed for eligibility to receive services under new criteria. L.A. Care has responded to DHCS that there should be a review to determine that needs are being met before members are discharged from those demonstration programs. The In Lieu of Services program presents a number of services that health plans could select to deliver to members. A tentative list of services will be submitted to DHCS by July 1, and a final list will be submitted in September. 	

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	<ul style="list-style-type: none"> • Draft rates have been released for next year. In recent meetings about these draft rates, it has become apparent that potential ideas for rates are presented to health plans, feedback about the rates is collected, and after a closed door discussion, a revised rate methodology is presented to the health plans. He commended Marie Montgomery, <i>Chief Financial Officer</i>, for her persistence in attending the rate discussions and providing important feedback about the rates. • The introduction of CalAIM has been difficult and has greatly impacted L.A. Care and the Los Angeles County Department of Health Services (DHS). Whole Person Care (WPC) is a very successful program run by DHS, and a lot of resources have been built up to serve people through WPC. DHS and L.A. Care are concerned that the funding that will be available to provide those services under CalAIM will be insufficient to sustain those important services. L.A. Care is working with DHS to help ensure those services will be sustained, but it seems there may be a funding shortfall. Final decisions and information is not being presented by DHCS in a timely way. • Earlier this year, DHCS selected a third party pharmacy benefit manager (PBM) to administer Medi-Cal prescription drug benefits. The carving out from Medi-Cal of benefits for prescription drugs remains indefinitely postponed as DHCS works on the subsequent ownership change for that third party PBM, which appears to create a conflict of interest under the rules of the DHCS' selection process. The recently approved California state budget includes a placeholder for starting the carve out in January 2022 with a footnote that the start date could change if an agreement is reached with the new PBM owners and the conflict of interest is eliminated. • L.A. Care has added Planned Parenthood and CareMore (a subsidiary of Anthem) to the provider network. CareMore is part of L.A. Care's Cal Medi-Connect program. <p>Board Member Booth asked if California's Governor has commented recently about Medi-Cal PBM benefits and the postponement of the carve out of prescription drug benefits. Mr. Baackes responded that there have been no comments attributed to the Governor about this proposal. Communication about this comes from the DHCS, and the most recent information came through the California Budget. Cherie Compartore, <i>Senior Director Government Affairs</i>, confirmed his statement. She added that the Attorney General's office is reviewing the PBM transaction. She anticipates that this may prompt changes in data transfers to ensure that the PBM properly protects the data submission. Board Member Booth asked about the list of services under In Lieu of Services. Mr. Baackes responded that there are 14 services such as medically-tailored meals,</p>	

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	<p>recuperative care, housing navigation services, sobering centers, etc., and he offered to provide the complete list to the Board. Board Member Booth asked about the selection of services by separate health plans. Mr. Baackes further explained that the funds available will not allow a plan to offer all of the benefits. L.A. Care is working to select benefits with a priority for services members are currently receiving through Health Homes or WPC, to ensure continuity of care for those members as those programs will terminate.</p>	
<p>Government Affairs Update</p>	<p>Cherie Compartore, <i>Senior Director, Government Affairs</i>, reported:</p> <ul style="list-style-type: none"> • California Legislature sent a bill to the Governor to meet the June 15 deadline for presenting an annual State Budget. This bill was intended to meet the constitutional deadline and does not include a complete budget. • Since then, the Governor and Legislators have been negotiating the remaining Budget issues, and a revised Budget Bill is expected to be presented to the Governor today. • A bill with major health-related provisions is expected to be considered by the Legislature later this week. The delay is to allow a 72-hour public review period. • Several other detailed Budget Trailer Bills with health related issues are expected throughout the summer. • Some of the changes expected to be approved are: <ul style="list-style-type: none"> ○ No sooner than May, 2022, Medi-Cal full scope coverage will be provided to adults 50 years of age and older, regardless of immigration status ○ Effective January 2022, there will be a medical doula benefit ○ Optional benefits that were previously annually renewed will now automatically be continued ○ Proposition 56 Tobacco Tax revenue will no longer require an annual Department of Finance approval ○ For pregnant women, Medi-Cal benefits will continue for one year without redetermination of eligibility <p>Ms. Compartore will highlight key bills at the July 29 Board Meeting. Board Member Booth asked about AB 407, the Optometry Scope of Practice Bill, which includes authorization for optometrists to prescribe a medication with side effects. She feels that the side effects are significant and optometrists, who have not been trained, should not be authorized to prescribe the medication. Ms. Compartore offered to</p>	

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	<p>discuss the Bill with L.A. Care’s Chief Medical Officer, and she will report on it at the July 29 meeting.</p> <p>Board Member Booth asked about AB 339, with regard to public participation in meetings. She asked about remote participation for members of the body. Chairperson De La Torre noted that there are several bills that encompass proposals to continue the flexibility for the public to participate in the meetings of public entities, and there is a focus particularly on meetings held in Sacramento. Joanne Campbell, <i>Health Care Policy Specialist II</i>, Government Affairs, confirmed that these bills relate to public participation, not members of the public entity governing body.</p>	
<p>Revised 2021 Board & Committee Meeting Schedule</p>	<p>Linda Merkens, <i>Senior Manager, Board Services</i>, presented the schedule which was revised to reflect that the Compliance & Quality Committee regular meeting will be held on September 23, 2021.</p> <p><u>Motion EXE 100.0721</u> To approve the revised 2021 Board of Governors and Committees meeting schedule as submitted.</p>	<p>Approved unanimously by roll call. 6 AYES</p> <p>The Committee approved including this motion on the Consent Agenda for the July 29, 2021 Board of Governors meeting.</p>
<p>California Association of Food Banks Grant</p>	<p>Chairperson De La Torre announced that if there is no objection, the next two motions will be approved simultaneously by the Committee. Board Member Booth asked that the motions could be considered in a separate vote, and there was no objection to a separate vote, if that is needed.</p> <p>Roland Palencia, <i>Director, Community Benefits</i>, summarized a motion to award up to \$1,231,650 to the California Association of Food Banks (CAFB) to fund and support up to 12 nonprofit organizations in Los Angeles County to provide CalFresh outreach and enrollment assistance to low income individuals, including L.A. Care members. The Community Benefits staff has administered the Community Wellness Initiatives in four cycles and in this fifth cycle it seeks to leverage the resources and the resources of CAFB to provide key training in enrollment and retention, needed technical assistance and to connect grantees and their clients to extensive food security networks. Over \$1.2 million will be directly provided to up to 12 nonprofits and up to \$100,000 each through a sub-granting approach with CAFB. This project will enroll a minimum of 6200 eligible families, that could account for an estimated 18,000 individuals that face food insecurities in Los Angeles County, including L.A. Care members.</p>	

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	<p>Mr. Palencia then summarized a motion to award up to \$500,000 to MLK Community Healthcare (MLKCH) to expand its post discharge clinic and provide treatment to up to 738 additional COVID-19 related post intensive care unit (ICU) syndrome and non ICU patients. Both patient categories are commonly known as “long-haulers” due to the long term physical mental, cognitive and emotional symptoms. This project would also expand the scope of the post discharge clinic by adding pulmonary rehabilitation care that is not available in the South Los Angeles area. These patients with multiple underlying chronic medical conditions and social demographic co-morbidities exacerbated by COVID-19, are in need of long term medical engagement with a multi-disciplinary team. This project would also allow the MLKCH post discharge clinic to expand intake referrals from safety net clinics, in addition to internal referrals for COVID-19 survivors that exhibit long term symptoms. The L.A. Care funds will partially support the positions of a physical medicine rehabilitation MD, medical social worker, respiratory care practitioner and other related staff positions.</p> <p>Board Member Booth asked if food banks typically enroll people in CalFresh. Mr. Palencia responded that there is a network of organizations that do the enrollment. CAFB provides support for that network that provides training, technical support and connects organizations with other sources of food security resources, such as food banks. Shavonda Webber-Christmas, <i>Community Benefits Program Manager II, Community Benefit Programs</i>, added that she is not aware if food banks enroll people in CalFresh, however, the CAFB is not a food bank but brings food banks together. CAFB operates their CalFresh outreach program separately and on a different scale, and has operated for over 10 years. Board Member Booth noted that she is interested in what will be done with the funds by the food banks, because this funding does not provide food, rather it provides education. The cost of \$200 per family does not directly provide food for the families, but enrolls them in a food program for up to one year. She asked if this is new education provided to 12 sets of people in how to enroll people in CalFresh, or are they going to do more of what they already did before, in which case best practices might result. Mr. Palencia responded that the purpose of this project is for families to actually access food, and to access food on an ongoing basis by enrolling in Cal Fresh. It is much more stable for families to enroll in CalFresh than obtain food through food banks. Some families may not qualify for CalFresh, and those families will be referred to food banks. The intent is to actually enroll 6,200 families in CalFresh so their food insecurity will be addressed. Board Member Booth asked how the other food banks are involved. Mr. Palencia noted that the families that do not qualify for CalFresh will be referred to other</p>	

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	<p>sources of food, including food banks. This project is not to fund the food banks, it is to fund organizations that would enroll individuals and families in CalFresh so they can have a stable means to access food. Board Member Booth asked if the 12 separate nonprofit organizations already perform CalFresh outreach and enrollment. Ms. Webber-Christmas reported that CAFB will work with L.A. Care to develop criteria for the sub-grants in this program, and those will most likely include organizations that have robust experience in providing CalFresh application assistance. It is likely there will be organizations that have been enrolling in CalFresh for some time in communities within Los Angeles County that have high needs for food security. Mr. Palencia noted that the funding will expand those services and also will create more capacity for those organizations to be even more effective, because of the partnership with CAFB.</p> <p>Chairperson De La Torre commented that it is very unusual for the State to give out money, in this case through CalFresh, and to support organizations that help with enrollment in the program. The State funds the program, but it is unusual for the State to provide funds to empower organizations to bring eligible people to those programs. Nonprofit organizations or other sources of private funding are needed to help people enroll in programs. This grant would support the groups that can bring people to CalFresh. Mr. Palencia added that this is the fifth initiative, so this type of grant has been done in the past. The reason to partner with CAFB is to leverage L.A. Care’s resources, and the resources of the nonprofit organizations that would receive the 12 sub-grants. Board Member Booth stated that it is not money-per-family, L.A. Care is funding basic support. Mr. Palencia responded that there will be accountability in the number of families that enroll in CalFresh. Each of the 12 organizations will receive \$100,000 to enroll families and individuals in CalFresh. L.A. Care will receive reports and will provide that information to the Board of Governors. The intent is to increase the capacity of these organizations to address food insecurity, through a partnership with CAFB. It is expected that families will enroll in CalFresh to provide food security.</p> <p>Board Member Booth asked about the \$200 cost per family. Mr. Palencia noted that this is a one-time expense. Board Member Booth asked about annual renewal of eligibility. Mr. Palencia responded that hopefully a family will not need enrollment assistance for annual renewal, and food security is an important issue and is part of the Social Determinants of Health. Board Member Booth agreed, but the way the motion is written she doesn’t see that included. Mr. Palencia offered that the motion could be rephrased. The funding will support up to 12 nonprofit organizations in LA County to provide CalFresh outreach and enrollment. Board Member Gonzalez noted that this</p>	

APPROVED

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	<p>grant would provide funding to hire people to do the enrollment, so it is for related resources such as computers and printers needed to help eligible people enroll in CalFresh. Board Member Booth stated that the support is not really to provide CalFresh outreach, it is to support the nonprofits. Mr. Palencia offered to work with Board Member Booth to rephrase the motion. Chairperson De La Torre stated that the 6,200 families enrolled is just an estimate, and more could be enrolled for the sub-grant that is provided. Board Member Booth suggested getting baseline information from the 12 nonprofit organizations who receive the sub-grant so that the effect of the sub-grant can be measured. She also suggested developing best practices for this process. Mr. Palencia suggested that experience is a reason to partner with CAFB.</p> <p>Board Member Booth suggested an amendment to the motion, to reflect what the money is actually going to be used for, after discussion between she and Mr. Palencia. Chairperson De La Torre suggested that the Committee vote to approve the motion with a caveat that the terminology will be revised but the funding amount and the number of organizations is not changed.</p> <p><u>Motion EXE 101.0721</u> To award up to \$1,231,650 to the California Association of Food Banks to fund and support up to 12 Los Angeles County nonprofits to provide CalFresh outreach and enrollment assistance to low-income individuals, including L.A. Care members.</p>	
MLK Community Healthcare Grant	<p><i>See description above.</i></p> <p><u>Motion EXE 102.0721</u> To award up to \$500,000 to MLK Community Healthcare (MLKCH) to expand its Post Discharge Clinic and provide treatment to up to 738 additional COVID-19-related Post-ICU Syndrome and non-ICU patients, commonly known as long haulers.</p>	Motions EXE 101.0721 (with amendments) and EXE 102.0721 were simultaneously approved unanimously by roll call.
Human Resources Revised Policies <ul style="list-style-type: none"> • HR 112 (Leave of Absence) • HR 114 (Paid Time Off) 	<p>Terry Brown, <i>Chief Human Resources Officer</i>, suggested that if there is no objection, the motions for three revised Human Resources policies will be summarized and a simultaneous vote be held to approve them. <i>There was no objection by Committee Members.</i></p> <p>Mr. Brown noted that revisions to the Leave of Absence policy relate to changes in law or regulation, and to how the law has been applied in court cases. He noted that the term “key employee” has been removed. Provisions have been added to paid family leave to provide 80 hours of parental paid leave. This does not impact the maximum</p>	

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<ul style="list-style-type: none"> HR 220 (Telecommuting) 	<p>time provided. He thanked Board Member Booth for her questions and suggestions about the policies. Board Member Booth asked about contact information for leave of absence partner. Mr. Brown indicated information will be included. Board Member Booth asked about the term work week. Augustavia Haydel, indicated that staff will provide information to Board Member Booth regarding that term.</p> <p>Mr. Brown reviewed changes to the paid time off policy, including reference to the leave of absence policy and updates related to the American Rescue Plan.</p> <p>Mr. Brown noted that the telecommuting policy includes information presented in November and reflect current practices of remote working, and that a written agreement with the employee is no longer required for telecommuting.</p> <p>Board Member Gonzalez asked about a requirement for an employee’s medical records for a Leave of Absence. Mr. Brown responded that it has not been used during his tenure. Board Member Booth related information about a leave that she experienced where the medical records were needed. Board Member Gonzalez asked about a provision in the telecommuting motion regarding expenses incurred by the employee in the home office. Board Member Booth asked about the definition of “unattended”, and Mr. Brown indicated he would check with legal advisors about deleting the sentence from the policy.</p> <p><u>Motion EXE A.0621</u> To approve the Human Resources Policy & Procedure HR-112 (Leave of Absence), as presented.</p> <p><u>Motion EXE B.0621</u> To approve the Human Resources Policy & Procedure HR-114 (Paid Time Off), as presented.</p> <p><u>Motion EXE C.0621</u> Approve Human Resources Policy & Procedure HR-220 (Telecommuting) as presented.</p>	<p>Motions EXE A.0721, EXE B.0721 and EXE C.0721 were simultaneously approved unanimously by roll call.</p>
<p>Approve the Consent Agenda for July 29, 2021 Board of Governors meeting</p>	<p>Approve the list of items that will be considered on a Consent Agenda for June 3, 2021 Board of Governors Meeting.</p> <ul style="list-style-type: none"> Minutes of June 3, 2021 Board of Governors Meeting Revised 2021 Board and Committee Meeting Schedule 	<p>Approved unanimously by roll call. 6 AYES</p>

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PUBLIC COMMENTS	There were no public comments for the closed session items.	
ADJOURN TO CLOSED SESSION	<p>Augustavia J. Haydel, Esq., <i>General Counsel</i>, announced the items to be discussed in closed session. She announced there is no report anticipated from the closed session. The meeting adjourned to closed session at 2:41 p.m.</p> <p>CONTRACT RATES Pursuant to Welfare and Institutions Code Section 14087.38(m)</p> <ul style="list-style-type: none"> • Plan Partner Rates • Provider Rates • DHCS Rates <p>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>June 2023</i></p> <p>CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION Pursuant to Section 54956.9(d)(1) of Ralph M. Brown Act: <i>Maine Community Health Options v. United States</i> (U.S. Supreme Court Case No. 20-1162). <i>L.A. Care Health Plan v. United States</i>, (U.S. Court of Federal Claims Case No. 17-1542); (U.S. Court of Appeals for the Federal Circuit Case No. 20-2254)</p> <p>CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Section 54956.9(d) (2) of Ralph M. Brown Act Three Potential Cases</p> <p>CONFERENCE WITH LABOR NEGOTIATOR Section 54957.6 of the Ralph M. Brown Act Agency Designated Representative: John Baackes Unrepresented Employee: All L.A. Care Employees</p> <p>CONFERENCE WITH LABOR NEGOTIATOR Section 54957.6 of the Ralph M. Brown Act Agency Designated Representative: Hector De La Torre Unrepresented Employee: John Baackes</p>	
RECONVENE IN OPEN SESSION	The meeting reconvened in open session at 4:21 p.m. No reportable actions were taken during the closed session.	

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
ADJOURNMENT	The meeting adjourned at 4:22 p.m.	

Respectfully submitted by:
Linda Merkens, *Senior Manager, Board Services*
Malou Balones, *Board Specialist III, Board Services*
Victor Rodriguez, *Board Specialist II, Board Services*

APPROVED BY:

Hector De La Torre, *Chair*

Date: _____

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AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
ADJOURNMENT	The meeting adjourned at 4:22 p.m.	

Respectfully submitted by:

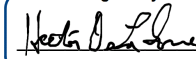
Linda Merkens, *Senior Manager, Board Services*

Malou Balones, *Board Specialist III, Board Services*

Victor Rodriguez, *Board Specialist II, Board Services*

APPROVED BY:

DocuSigned by:



Hector De La Torre, *Chair*

Date: 8/23/2021 | 5:17 PM PDT

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