



Steve Sisolak
Governor

Dr. Ikram Khan
Chairman

Sara Chalhagian
Executive Director

Patient Protection Commission

Office of the Governor, State of Nevada

555 E. Washington Ave., Suite 5600
Las Vegas, NV 89103

SUMMARY MINUTES

August 31, 2020

Pursuant to Governor Steve Sisolak's Emergency Directive 006 as amended and extended by Emergency Directive 029, there will be no physical location for this meeting. The meeting can be listened to or viewed live over the internet. The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Commission's meeting page or by request.

Agenda Item I - Call to Order

Chairman Khan called the regular meeting to order at 9:02 a.m. Those in attendance and constituting a quorum were:

Commission Members Present:

Dr. Ikram Khan, Chairman
Dr. Howard Baron
Bobbette Bond
Jessica Flood
Flo Kahn
Dr. John Packham
Yarleny Roa Dugan
Shaun Schoener
Dr. Anthony Slonim
W. Mason Van Houweling

Advisory Commission Members Present:

Executive Director Heather Korbolic, Silver State Health Insurance Exchange
Insurance Commissioner Barbara Richardson, Nevada Division of Insurance (Department of Business and Industry)
Director Richard Whitley, Nevada Department of Health and Human Services (DHHS)

Commission Staff Present:

Sara Chalhagian, Executive Director
Gregory D. Ott, Chief Deputy Attorney General
Lezlie Mayville, Administrative Assistant/Policy Coordinator

Absent:

Voting Commission Member, Theresa Bohannon (excused)

Agenda Item II - Public Comment:

Bill Welch, President and CEO Nevada Hospital Association (NHA)

During the 8-17-20 PPC meeting he requested the PPC use the 3rd BDR to address Health Care Workforce and Nevada Medicaid. He suggests the PPC can submit BDR's on Transparency and Telehealth on September 1, and work on the language later. The NHA would like the PPC to now focus on Workforce development as they feel it is the largest factor driving access and cost of healthcare and he feels that is the primary focus the PPC is charged with. His association feels the PPC's Transparency BDR language is "far reaching and broad" and recommends it be narrowed down to focusing on All Payer Claims Database (APCD). He says aspects of the healthcare industry should



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be "transparent and held accountable." He also added it's not clear how expanding the PPC's authority will connect to more transparency.

Michael Gagnon, Executive Director of HealthIE Nevada

His organization recommends the PPC use one of the BDRs to change the state's opt-in consent law to opt-out. Nevada is one of only seven states that have "opt-in" and none of them are in the west. His organization's data says patient privacy is not improved by making this process more complicated and patients that wish to opt-out still can. He suggests the PPC consider creating a public/private partnership to provide oversight of a Health Data Utility that oversees the HIE and it becomes a service for everyone in the state to use. It remains private and non-profit.

Joan Hall, Nevada Rural Hospital Partners

Appreciates the PPC doing a Telehealth BDR but worries about Healthcare Workforce issues. Workforce is the cornerstone of health care and providers/specialists licensed to provide telehealth is especially important in the rurals. It impacts patient protection, access, insurance coverage and quality of care.

Agenda Item III - Presentation from Patient's about their health care experiences in Nevada

There were no presentations or comments from Nevada patients for this meeting.

Agenda Item IV - Approval of the August 17, 2020 minutes

Chairman Khan presented the Commission with a draft of the summary minutes of the August 17, 2020 meeting.

MOTION was made to approve minutes of the August 17, 2020, meeting as presented, by Commissioner Van Houweling. Commissioner Slonim Seconded. Carried without dissent.

Agenda Item V - Opening Remarks - Overview of Agenda and Welcome

Chairman Khan is hoping the commissioners can narrow down the language and come to a consensus, approve in principle, and in general, the language of the two BDR's. He mentioned there is possibility to potentially split out some of the language and add a third BDR. Would like the commission to focus on the first two issues to completion. After that, the commission can examine scenarios, technicalities, and legalities of a possible third BDR with input from Deputy Attorney General Ott and Director Cholhagian.

Agenda Item VI - Update on Collaborations and Coordination between the Commission and other State Entities

Director Cholhagian updated the Commission on what some of the Regional Behavioral Health Boards and the Legislative Commission on Health Care were considering for their bill draft requests. She also mentioned her conversation with Senator Patricia Spearman regarding the language outlined in the transparency bill draft request which seeks to establish an all payer claims database similar to her proposed legislation from 2019. Senator Spearman indicated she would like to see us continue with this and work with us.

Director Cholhagian further indicated it was up to the commission to decide which issues they wanted to take up and the updates are intended to inform the commission and public about opportunities for collaboration. She



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continued to ask them to share any information they had on any topics or ideas and expressed concern for limited engagement from entire commission.

Chair Khan also reminded the commission that these collaboration updates were to keep the commission aware of what others are working on so the commission can be mindful of not duplicating efforts and focus on other areas not being addressed legislatively.

Agenda Item VII - Discussion of Commission Work Plan and Potential Bill Draft Requests

The working document of the Proposed Bill Draft 1 on Telehealth continued to be discussed during this meeting. The Legislative intent of this bill seeks to enact legislation to codify telehealth flexibilities granted during the COVID-19 public health emergency into law. Commissioners had multiple opportunities to voice their opinions, make suggestions and changes to include and/or remove language from the working document to be transferred to the Executive Branch Bill Draft Request form.

MOTION was made to vote on the changes agreed upon and completed, by Commissioner Van Houweling. Commissioner Flood Seconded. Unanimously carried without dissent.

The working document of the Proposed Bill Draft 2 on Transparency continued to be discussed during this meeting. The Legislative intent of this bill seeks to enact legislation to mandate reporting of data to State of Nevada (PPC, DHHS, AG) to allow for monitoring of health care industry including: pricing for health care components, all payer claims, drug costs, hospital prices, health care entity ownership and mergers, consolidation, closures and governance for health care entities. After vigorous discussion, commissioners took multiple opportunities to voice their opinions, make suggestions and change language to include and remove sections from the working document to be transferred to the Executive Branch Bill Draft Request form. Each paragraph on the working document was discussed and voted on. Language highlighted in green remained and language highlighted in red was removed.

MOTION was made to vote to move forward with the changes discussed, by Commissioner Slonim. Commissioner Baron Seconded. Motion passed with 9 yay votes and 1 abstention from Commissioner Bobbette Bond.

Chair Khan opened the discussion of splitting out some of the language on either of the two topics the commission discussed and to discuss adding a third BDR. He asked Director Cholhagian to give suggestions and had Attorney Ott outline the technicalities, and legalities of a possible third BDR. Dr. Slonim expressed his disappointment for not allowing for a discussion of a third topic since his request to add this to the agenda was denied. No Action Taken.

Agenda Item VIII - Standing Agenda Item:

Discussion of Future Meeting date was suggested for September 21, 2020. Commissioners were asked to check their schedules and communicate their availability with PPC staff. No Action Taken.

Discussion of Potential Future Agenda included but was not limited to meeting to discuss BDR language once Legislative Counsel Bureau drafting was completed and continue discussions of already covered topics. No Action Taken.

Presentations for Future Meetings included but was not limited to hearing from the Attorney General's office regarding Mergers and Acquisitions. No Action Taken.



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Agenda Item IX - Public Comment

There was no further Public Comment.

Agenda Item - X Adjournment

Meeting was adjourned at 2:22 p.m.

Respectfully submitted,

Lezlie Mayville
Office of the Patient Protection Commission

APPROVED BY:

Dr. Ikram Khan, Chair

Date: **November 9, 2020**



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Meeting Materials

AGENDA ITEM	PRESENTER	DESCRIPTION
VII.	BDR Working Document - Telemedicine	Language to be used in PPC Bill Draft Request
VII.	BDR Working Document- Transparency	Language to be used in PPC Bill Draft Request-Red language omitted, green language to retain