



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

October 20, 2021

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, Welcome, Roll Call and Approval of Minutes

Chairman Khan called the regular meeting to order at 9:05 a.m. Those in attendance and constituting a quorum were:

Commission Members Present:

Bobbette Bond
Dr. Khan
Yarleny Roa-Dugan
Sandie Ruybalid
Dr. Beth Slamowitz
Dr. Tony Slonim
Dr. Tiffany Tyler-Garner
Mason Van Houweling
Tyler Winkler

Advisory Commission Members Present:

Heather Korbolic, Executive Director Silver State Health Insurance Exchange
Laura Rich, Executive Officer, Public Employees Benefits Program
Barbara Richardson, Insurance Commissioner Nevada Division of Insurance (Department of Business and Industry)
Richard Whitley, Director Nevada Department of Health and Human Services (DHHS)

Commission Staff Present:

Sara Chalhagian, Executive Director
Suzanne Sliwa, Deputy Attorney General
Lezlie Mayville, Administrative Assistant/Policy Coordinator

The Commission was presented with an email draft of the summary minutes of the May 19, 2021, meeting.

MOTION was made to approve minutes of the May 19, 2021, meeting as presented, by Commissioner Van Houweling. Commissioner Roa-Dugan Seconded. Carried without dissent by the returning PPC Commissioners present at that meeting (Bobbette Bond, Ikram Khan, Yarleny Roa-Dugan, Tony Slonim, and Mason Van Houweling), the remaining members of Commission abstained from voting (Sandie Ruybalid, Beth Slamowitz, Tiffany Tyler-Garner and Tyler Winkler).

Agenda Item II - Public Comment:

There was no public comment.



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Agenda Item III - Introductions, Discussion of Commission Responsibilities and Duties including adoption of Bylaws and appointment of Commissioner Sandie Ruybalid as Vice Chair. Chairman Khan and Director Cholhagian

Director Cholhagian welcomed the new Patient Protection Commission members and congratulated the returning members on their return. She also updated and congratulated them for the passage and approval the Commission's legislative measures (SB5 and SB40), which passed the 81st Legislature after their last meeting. She also recapped for the group, the passage of AB348 which included changes to the make-up of the commission. She also informed the Commission that there are three remaining vacancies for the Governor to appoint. She briefly went over the responsibilities of the commission and the commissioners, informed them there would be bylaws to adopt and other details of the legislation. She invited questions regarding their responsibilities. One commissioner asked if the new legislation added a provision about health information technology to the tasks and she was told yes, it is new. Director Cholhagian also informed the group that 11/1/21 would be her last day as Executive Director. She introduced new commission member Sandie Ruybalid as the point of contact for Bailit Health as the state lead and requested she be considered as the Vice Chair to help with the continuity of communication with the Commission and Chair Khan. She specified that Ms. Ruybalid is a long time DHHS employee and has taken on leadership roles within the state. It makes sense for her to be the Vice Chair in the absence of an Executive Director. Another commissioner commented hopefully she's aware of the role and glad there's someone within DHHS to take this role on. Ms. Ruybalid acknowledged the role and motion was made to appoint her as Vice Chair.

MOTION was made to approve the appointment of Sandie Ruybalid as Vice Chair, by Commissioner Bond. Commissioner Van Houweling Seconded. Carried without dissent with no abstention.

Chair Khan mentioned part of the commissions duties are to adopt bylaws. Does the DAG have anything to add? Director Cholhagian reminded/informed the group that operating procedures were adopted by the former PPC and can be modified to be the commission's bylaws once all the new PPC members are appointed. Chair Khan would like this completed as soon as possible and the Governor's office delay in appointments shouldn't delay the bylaws. Attorney Sliwa opined that as long as those currently appointed want to agree on bylaws, it's not necessary to wait for all appointments to be completed. Chair Khan would like a draft as soon as possible. One commissioner said they agree and wants to make sure a conflict-of-interest clause is included. Director Cholhagian said she'd work on a draft with the DAG following the meeting and hopefully by the end of the week and let the commissioners know that there was a "disclosure of conflict prior to vote" added to AB348.

Agenda Item IV - Discussion of the Peterson Milbank Program for Sustainable Health Care Costs and Cost Growth Initiatives in other States including an Overview of the feedback from the Stakeholder Advisory Committee. Solicitation of Feedback and Possible Decisions on Recommendations for Benchmark Value(s) in Nevada

Michael Bailit, President, Bailit Health **FOR POSSIBLE ACTION**

Mr. Bailit began his presentation by greeting everyone and letting them know he'd be beginning where we left off in May and that this presentation would include feedback from the Stakeholder Advisory Group.

Slide 6-Recap of Preliminary PPC Recommendations (1 of 4). Explains what Total Health Care Expenditures (THCE) and Total Medical Expenses (TME) Chair Khan asked if everyone understands this. Comments included but were



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not limited to wanting clarity on TME and THCE, another mentioned these are complicated concepts and doesn't think most understand, impact to patients must be foremost, and they must consider unintended consequences. Director Cholhagian reminded the group that the purpose of engaging both the PPC and Stakeholder Advisory group is to provide an opportunity to make formal recommendations as the Governor considers issuing an Executive Order to establish a benchmark value for the state. There is no direct actionable item on this agenda item or forced vote for consensus. She will be summarizing all feedback and will send to the Governor following this meeting and prior to her departure.

Slide 7-Recap of Preliminary PPC Recommendations (2 of 4). Sources of coverage that should be included - Comments included but were not limited to one commissioner thought we should try to capture everything we can and include all. Another thinks it would be difficult to obtain the local government health care spend in correctional jail systems including adults and juveniles and also difficult to obtain data from Indian Health Services. Mr. Bailit doesn't know if these would even be operationally feasible.

Slide 8-Recap of Preliminary PPC Recommendations (3 of 4) - Most of the comments were related to whether to include Out-of-state residents with in-state providers. Mr. Bailit told the group no other states include this data as it is too difficult to get insurers not licensed in their state to get information from. A commissioner opined that this is unmanageable and no way to control.

Slides 11 and 12 - New Voting Members Appointed by Governor
Mr. Bailit invited the new members to introduce themselves.

Slide 17 - 19 Modeled Benchmark Values, Advisory Subcommittee feedback, and Discussion of Nevada's Cost Growth Benchmark Value - The PPC and Advisory Subcommittee expressed interest in using the economic indicators of Gross State Product (GSP), Median Wage and Consumer Price Index (CPI-U) with various weighted percentages. Mr. Bailit asked the group if they wanted to recommend a benchmark. Director Cholhagian shared a formal recommendation of 3.2% for four years from Medicaid and Slide 49 from the 5/19/21 meeting that showed the Average Annual Growth Rate for Medicaid, Medicare, and Commercial Payers. Other comments and suggestions included but were not limited to a 2.37% for 4-5 years that four commissioners favored, one noted the Medicaid number is surprising and since no penalties, should be lower, one had concerns the economic increase in wage/labor staffing needs makes 80% median wage too high and would like to see a step-down approach of 3.19% - 2.78% over 4-5 years, another two favored a 50-50 approach due to high wages/nursing shortage and leans toward 2.78% for 4 years. A commissioner commented that some states can carve out a justification for not meeting benchmark and if the purpose of benchmark to improve quality, its justified. Director Cholhagian asked who liked the step-down approach and why. One commissioner commented that we don't want Nevada to go down to Mississippi standards of care with a too low benchmark and will require continued investment. She reminded commissioners the benchmark value is the start of a discussion on transparency and is considered a measurement tool, she further added there is no discussion on any punitive provisions for non-compliance at this point. Mr. Bailit also remarked it needs to be a fair methodology and appreciates the collaborative action to achieve the benchmark values.

Slide 21 - Next Steps Mr. Bailit feels the PPC is on good footing to now make recommendations to the Governor.

Agenda Item V - Public Comment

Emails submitted to the PPC were read into the record from Patricia Smith and Katie Mason. One commissioner



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wanted to know how the PPC responded to public comments, and it was agreed we would ask the state how to navigate this. For example, hospitals have established patient grievance processes. A couple of commissioners thought we have a duty to address these issues and should have a standing agenda item to address them for follow-up. The DHHS Director recommended the Office of Consumer Health Assistance to follow up on these and suggested a future agenda item to have an overview of what this office does for informational purposes.

Agenda Item X - Adjournment

Meeting was adjourned at 11:00 am

Respectfully submitted,

Lezlie Mayville

Office of the Patient Protection Commission

APPROVED BY:

Dr. Ikram Khan, Chair

Text

Date: _____

Meeting Materials

AGENDA ITEM	PRESENTER	DESCRIPTION
III.	Chair Ikram Khan, Director Chalhagian	Commission Responsibilities and Bylaws
IV.	Michael Bailit, President, Bailit Health	Cost Growth Benchmark Value
V.	Katie Mason	Public Comment via email
V.	Patricia Smith	Public Comment via email