

Nevada Patient Protection Commission

Principles & Operating Procedures for Development of Health Care Cost Growth Benchmarks

I. Introduction

In 2019, Governor Sisolak signed Senate Bill 544, creating the Patient Protection Commission (“PPC”). The PPC membership includes health care experts, advocates, providers, and industry professionals charged with systematically reviewing issues related to the health care needs of residents of Nevada and the quality, accessibility, and affordability of health care, including, without limitation, prescription drugs. Most notably the review includes examining the cost of health care and the primary factors impacting those costs.

In March 2021, the state of Nevada was selected to participate in a multi-state collaborative, the Peterson-Milbank Program for Sustainable Health Care Costs. Selected states receive technical assistance from Milbank Memorial Fund and Bailit Health as they set and implement health care cost growth benchmarks, a first step toward making health care more affordable and transparent. To support this statewide effort, Governor Sisolak requested the assistance of the PPC to provide recommendations to develop a statewide health care cost growth benchmark, calculate and analyze statewide health care cost growth, and analyze drivers of health care cost growth.

This document outlines principles and operating procedures to guide PPC decision-making during the development and adoption of recommendations for Nevada cost growth benchmarks.

II. Commission Benchmark Development Principles

The principles may be revised if approved by a majority of voting members at a public meeting. The PPC adopts the following principles to guide its work in this area. The PPC will:

- a) Have as a goal PPC recommendation of a Health Care Cost Growth Target (the “Benchmark”) by December 2021;
- b) To the extent practical, recommend a Benchmark inclusive of all populations, regions, and all categories of spending;
- c) Recommend a stable multi-year Benchmark upon which payers, providers, and policymakers can rely;
- d) Recommend a benchmark and reporting methods that are meant to ensure a high level of statistical confidence in performance assessment;
- e) Be sensitive to the impact that high health care spending growth has on Nevadans;

- f) Consider other state health reform initiatives that may assist efforts to lower the rate of growth of health care costs;
- g) Promote collaboration across payers and providers, and encourage collective action to meet the cost growth benchmark, and
- h) Be mindful of state financial and staff resources required to implement recommendations.

III. Operating Procedures

A. Protocols

PPC members agree to act in good faith in all aspects of deliberations. This includes being honest and refraining from undertaking any actions that will undermine or threaten the deliberative process. It also includes behavior outside of meetings. Expectations include:

- Members should try to attend all meetings. If members cannot attend a meeting, they are requested to advise PPC staff. After missing a meeting, the member should contact state staff for a briefing, and review presentation and meeting summaries.
- Members agree to be respectful at all time of participants in the process, including other Commission members, staff, presenters, and the public. They will listen to each other to seek to understand the other's perspectives, even if they disagree.
- Members agree to make every effort to bring all aspects of their concerns about these issues into this process to be addressed through the PPC.
- Members agree to refrain from personal attacks, intentionally undermining the process, and publicly criticizing or mis-stating the positions taken by any other participants during the process.
- Any written communications, including emails, blogs, and other social networking media, will be mindful of these procedural ground rules and will maintain a respectful tone even if highlighting different perspectives.
- Members are advised that emails, blogs, and other social networking media may be considered public documents. Emails and social networking messages meant for the entire group will be distributed via state staff.
- Requests for information made outside of meetings will be directed to state staff. Responses to such requests will be limited to items that can be provided within a reasonable amount of time.

B. Communications

1. Written Communications

Members agree that transparency is essential to the PPC's deliberations. In that regard, members are requested to include both the Chairperson and PPC staff in written

communications commenting on the PPC's deliberations from/to interest groups (other than a group specifically represented by a member); these communications will be included in the public record as detailed below. PPC members should refrain from copying the full PPC on these communications but should be aware that these communications may be provided to the full PPC in a manner consistent with Nevada's Open Meeting Law when appropriate.

Written comments to the PPC, from both individual members and from agency representatives and the public, should be directed to PPC staff. Written comments will be distributed by PPC staff to the full PPC in conjunction with distribution of meeting materials or at other times in between meetings.

2. Media

While not precluded from communicating with the media, PPC members agree to generally defer to the Chairperson for all media communications related to the PPC process and its recommendations. Members agree not to negotiate through the media or use the media to undermine the work of the PPC.

Members agree to raise their concerns, especially those being raised for the first time, at a PPC meeting and not in or through the media.

C. Commission Meetings

The PPC will meet at times and places, including virtually, as proposed by the Chairperson.

Subcommittees may be established by approval of a majority of PPC voting members.

Meetings of these groups will be conducted in accordance with these operating procedures.

A majority of voting members constitutes a quorum for the transaction of Commission business.

Meetings will be conducted in a manner deemed appropriate by the Chairperson to foster collaborative decision-making and consensus building. The most recently published version of Robert's Rules of Order will be applied in the sole discretion of the Chairperson.

1. Consensus Process/Voting

A consensus decision-making model will be used to facilitate the PPC's deliberations and to ensure the PPC receives the collective benefit of the individual views, experience, background, training, and expertise of its members. Consensus is a participatory process whereby, on matters of substance, the representatives strive for agreements that they can accept, support, live with, or agree not to oppose.

Members agree that consensus has a high value and that the PPC should strive to achieve it. As such, decisions on PPC recommendations will be made by consensus of all present members unless voting is requested by a PPC member. Final action on recommendations requires an affirmative vote of the majority of the PPC members.

If no consensus is reached on an issue for proposed Commission PPC recommendation, minority positions will be documented. Those with minority opinions are responsible for proposing alternative solutions or approaches to resolve differences.

Members will honor decisions made and avoid re-opening issues once resolved.

2. Documentation

All meetings of the PPC shall be recorded and minutes prepared in accordance with Nevada Revised Statutes (“NRS”) section 241.035. The audio records or minutes shall be made available in accordance with Chapter 241 of the Nevada Revised Statutes. The PPC will make every effort to post meeting agendas, summaries and supporting materials to the PPC web page.

Interested parties may receive notice of PPC meetings by making a request in accordance with NRS 241.020(4)(c) or at Notice.nv.gov and access supporting materials on the PPC website.

At the end of the process, PPC staff will draft the final, approved recommendations of the PCC.

D. Public Status of PPC Meetings and Records

PPC meetings are open to the public and will be conducted under the provisions of Nevada Open Meetings Law (Chapter 241 of NRS). Members of the public and legislators always make public comment in accordance with the restrictions placed on PPC agendas and may testify before the PPC upon the invitation of the Chairperson.

PPC records, including formal documents, discussion drafts, meeting summaries and exhibits, are public records. Communications of PPC members related to PPC business may be public records under Chapter 239 of NRS. “Communications” refers to all statements and votes made during the PPC meetings, memoranda, work products, records, documents, or materials developed to fulfill the charge, including electronic mail correspondence. The personal, private notes of individual Committee members may be considered to be public.

Nothing in this section shall be construed to waive any confidentiality or privileged status no matter how conferred; including but not limited to: the Attorney Client Privilege, the Deliberative Process Privilege, the personal privacy privilege, the investigatory privilege.

E. Amendment of Operating Procedures

These procedures may be changed by an affirmative vote of the majority of the members of the PPC at a properly agendized and noticed meeting.