

Steve Sisolak
Governor

Richard Whitley, MS
Director



DEPARTMENT OF
HEALTH AND HUMAN SERVICES
PATIENT PROTECTION COMMISSION

Helping people. It's who we are and what we do.



Malinda Southard,
DC, CPM
Executive Director

Dr. Ikram Khan
Commission
Chairman

SUMMARY MINUTES

08/17/2022

Pursuant to NRS 241.020(3)(a) as amended by Assembly Bill 253 of the 81st Legislative Session, this meeting will be convened using a remote technology system and there will be no physical location for this meeting. The meeting can be listened to via telephone or viewed live over the Internet.

Agenda Item I - Call to Order, Welcome and Roll Call

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

Commission Members Present

Bobbette Bond
Sara Chalhagian Ralston
Lilnetra Grady
Dr. Ikram Khan
Leann McAllister
Yarleny Roa-Dugan
Sandie Ruybalid
Dr. Tiffany Tyler-Garner
Mason Van Houweling
Tyler Winkler

Commission Members Absent

All members present

Advisory Commission Members Present

Ryan High, Executive Director, Silver State Health Insurance Exchange
Barbara Richardson, Insurance Commissioner, Nevada Division of Insurance (DOI)
Marla McDade Williams, Deputy Director, Nevada Department of Health and Human Services (DHHS)

Advisory Commission Members Absent

Laura Rich, Executive Officer, Public Employees Benefits Program (PEBP), excused

Commission Staff Present

Malinda Southard, Executive Director
Suzanne Sliwa, Deputy Attorney General (DAG)
Kiley Danner, Policy Analyst

Agenda Item II - Approval of July 20, 2022, Minutes

Ikram Khan, Chairman

The Commission was presented with an email draft of the summary minutes of the July 20, 2022, meeting.

MOTION was made to approve minutes of the July 20, 2022, meeting as presented, by Commissioner Winkler. Seconded by Commissioner Van Houweling. Carried without dissent.

Agenda Item III - Public Comment:

Patrick Kelly, CEO, Nevada Hospital Association

Mr. Kelly addressed access to healthcare and how it is complicated and fragmented. The healthcare delivery system is based on reimbursement rules, skinny networks, and ad hoc regulations, which is why it is difficult to fix. The PPC was charged with quality, accessibility, and cost. In the past, the PPC has focused on cost containment. Today, Mr. Kelly asked the commission to focus on access because without it, cost and quality are irrelevant. Without access, there is no care. With contained growth, there are inadvertent consequences such as decreased access. Nevadans already have poor access to care as 63.7% of the state's population resides in a federally designated primary care health professional shortage area. It is not just rural areas that are experiencing this shortage. The northern and southern urban areas experience higher percentages of this shortage. Once the state increases access to primary care, the need for access to more medical specialists and specialized facilities will increase because more illnesses will be diagnosed. We must assure that adequate levels of primary care and secondary care are available. Cost containment also produces unintended consequences including growing health inequities among Nevadans, poor management of diseases, and unnecessary disability and premature death. Before acting on anything Mr. Kelly asks the PPC to please examine the potential impact the proposal will have on health care access to all citizens now and in the future.

Agenda Item IV - Re-appointment of Stakeholder Advisory Subcommittee of the Peterson-Milbank Program for Sustainable Health Care Costs and Suggested Members

Malinda Southard, Executive Director

Chair Khan confirmed that all members of the PPC have received a copy of the list of new subcommittee members and proposed acting on this agenda item unless any objections were noted. Commissioner Bond stated she continues to have reservations about the intent of the subcommittee and proposed waiting to act on this agenda item until the BDRs have been submitted. Commissioner Winkler agreed. Commissioner McAllister opined that she is in support of approving the subcommittee now. Commissioner Ralston motioned that the subcommittee meetings be paused and instead moved to a stakeholder email distribution list. Commissioner Winkler seconded. Commissioner Ralston modified the motion to include the expired list of subcommittee member plus the new proposed list of subcommittee members on the newly proposed email distribution model. Commissioner Winkler seconded the amended motion. Chair Khan clarified that the subcommittee may make public comment at the PPC meetings or give their feedback in writing to Executive Director Southard and proposed a vote on the amended motion. Executive Director Southard called for a vote. All commissioners present raised their hands in agreement with the exception of Commissioner McAllister. The motion carried.

Agenda Item V - Review and Discussion of Possible Bill Draft Request Topics

Malinda Southard, Executive Director

Subject 2, Topic 1 - Codify the Nevada Health Care Cost Growth Benchmark Program as set forth in EO 2021-29 and include a requirement to measure and report on primary care spending

Executive Director Southard began by giving an overview of state agency responses to the proposed topic. Commissioner Bond questioned about logistics in what support the PPC will get from the Legislative Counsel Bureau (LCB) and requested a step in the BDR process in which the PPC can discuss the final BDRs with the LCB. Chair Khan clarified the PPC will approve basic language today, and if possible, the PPC will vote on language after LCB input, before the BDR is finalized. No other comments from the commissioners. Chair Khan motioned to approve Subject 2, Topic 1 as one of the BDR topics to be submitted. All commissioners present were in favor. The motion carried.

Subject 3, Topic 1- Mandating that all providers of health care and custodians of healthcare records implement an interoperable electronic health care records system. Expand immunity for provider compliance with providing and receiving electronic medical records. Revision of Nevada Revised Statutes (NRS) 439.584 with relation to Health Information Exchange (HIE) and other areas identified, with PPC supported funding options

Executive Director Southard again opened by discussing state agency responses received in relation to this proposed topic. Commissioner Winkler commented that the PPC discussed using a different term other than, "mandating", in the BDR language. Vice Chair Ruybalid asked if this would reduce the BDR to updating the existing NRS. Commissioner Van Houweling clarified that the current system is fragmented and allows for voluntary participation in electronic health record systems and suggested that the PPC mandate and require a central repository. He also reminded the commission that there is a provision in this proposed topic to permit five-year compliance. Commissioner Bond supports mandating that providers give their patients electronic access to their medical records. However, she thought there should be more than one process for patients to access their medical records and that NRS 439.584 may need altered. Chair Khan agreed, noting a significant fiscal impact and the need for added language to clarify this concern. Vice Chair Ruybalid asked for clarification about the central repository concept. Commissioner Van Houweling commented about the 21st Century Cures Act, Health Insurance Portability and Accountability Act (HIPAA), and the Health Information Technology for Economic and Clinical Health (HITECH) Act. In addition, he stated that Nevada has a health information exchange, just not a robust one. Currently, not all of Nevada health care providers submit data to this health information exchange. Commissioner Ralston clarified that patients already have access to their medical records and that this BDR would ensure electronic access. Executive Director Southard summarized the language for this BDR based on the PPCs recommendations. Commissioner Ralston made a motion for Subject 3, Topic 1 to be one of the BDRs the commission submits to the 2023 Legislature. Commissioner McAllister seconded. All commissioners present were in favor. Motion carried.

Subject 1, Topic 1 - Explore opportunities to provide basic health coverage to infants, children, and young adults up to age 26 who are ineligible for full Medicaid coverage under federal law due to their current residency or immigration status

Executive Director Southard discussed responses to questions posed to state agencies regarding this topic. The DAG questioned if the PPC has the funds designated to hire an expert and noted that unless the PPC amends a statute allowing the PPC to hire a vendor, the PPC could hire a vendor without a BDR. Executive Director Southard clarified that while the PPC does have the statutory authority to hire a vendor, it does not currently have funding in its budget to do so. Commissioner Tyler-Garner asked if there are other ways to ensure access to health care for this population besides a BDR. Another commissioner commented a letter may be written by the Executive Director to the Legislature in support of this topic, or the PPC may ask for American Rescue Plan funding. Chair Khan agreed with the PPC members to pause until the two remaining BDR topics were discussed to take a vote.

Subject 2, Topic 3 - Address the rising costs created by health care market consolidation by prohibiting hospitals and possibly some other facilities, such as freestanding ERs, from hiring physicians. Revise the exemptions now in law to ensure only community hospitals and academic institutions are exempted

Executive Director Southard first provided introductory comments in reviewing responses to questions posed to state agencies regarding this topic, then invited Commissioner Bond to present any additional information on this topic. Commissioner Bond stated that some entities are already allowed to hire physicians under NRS 695B. She clarified this BDR seeks to prevent hospitals from hiring physicians with the exception of public hospitals and academic institutions. Nevada is low on staff, especially physicians, and allowing one entity to employ physicians can create issues such as specialty physicians being tied up and not available for everyone and creating access issues. Commissioner Van Houweling agreed, stating there must be a balance. Patients need to have access to specialists. Chair Khan discussed how every hospital system in Southern and Northwestern Nevada is involved in academics. Commissioner Ralston supports this BDR because of how it will benefit patients. Commissioner Winkler stated that the intent is to guarantee that health care providers are not stuck at a specific facility so that patients have access to them when needed.

Subject 2, Topic 6 - Create a Prescription Drug Affordability Board. Expand on NRS 439.630 and set "allowable rates" for certain high-cost drugs identified by the Board.

Executive Director Southard again provided introductory comments in reviewing responses to questions posed to state agencies regarding this topic. Executive Director Southard then invited Commissioner Winkler to present any additional information on this topic. Commissioner Winkler wished to ensure that by controlling costs, those savings are passed on to consumers. Chair Khan fully supported this BDR. Commissioner Bond supported this topic and wanted to explore all the ways the topic could stay alive. Commissioner Tyler-Garner supported Commissioner Bond's recommendation. Vice Chair Ruybalid discussed the lack of authority in regard to the conversation surrounding creating a subcommittee to perform the work this topic is proposing and how the PPC does not have the authority to "set allowable rates." Chair Khan stated there would be a budgetary impact and that the PPC needs some input about what that impact would be.

Executive Director Southard began by reviewing the options the PPC had with the three remaining topics. One topic had the option to be voted on as the remaining BDR while the other two topics could be drafted as letters to the Legislature. Vice Chair Ruybalid motioned for Subject 1, Topic 1 to be put as an item for special consideration in the PPC's budget to fund the study and remove it from the BDR list. Commissioner Bond seconded. Eight Commissioners voted to remove Subject 1, Topic 1 as a BDR option and instead put this topic as an item for special consideration in the PPC's budget. The motion carried.

Executive Director Southard reviewed the verbiage for Subject 2, Topic 3. Chair Khan asked to proceed with voting for this topic as a BDR. Three out of ten commissioners raised their hands to vote for this topic as the third BDR that the PPC submits to the legislature. The motion failed.

Executive Director Southard reviewed the verbiage for Subject 2, Topic 6 and called for a vote. Three out of ten commissioners raised their hand in support of this topic as the third BDR. The motion failed.

The Commissioners discussed voting for a second time around on these topics because many were not aware whether they were voting to exclude the topics as a BDR or vote for the topics to be the third BDR that is submitted to the Legislature. Additionally, only six Commissioners voted, out of the ten present.

Commissioner Ralston motioned for Subject 2, Topic 3 to be the third BDR submitted to the legislature and the other two topics move forward with alternative support options. Commissioner Bond seconded. Chair Khan did not agree, stating that by voting that way, they are precluding Subject 2, Topic 6. Therefore, he proposed to vote on each BDR separately.

Executive Director Southard called for a vote on Subject 2, Topic 3. Five Commissioners raised their hand in favor of Subject 2, Topic 3 to be the third BDR submitted to the legislature.

Executive Director Southard called for a vote on Subject 2, Topic 6. Six Commissioners raised their hand in favor of Subject 2, Topic 6 to be the third BDR submitted to the legislature.

The Commissioners then discussed how some had voted for both topics, and that it was still unclear what they were voting for. Chair Khan called for a third and final vote.

Commissioner McAllister motioned to vote by roll call of the commissioners present. Commissioner Bond seconded.

Sara Chalhagian Ralston - voted for Subject 2, Topic 3
Sandie Ruybalid - voted for Subject 2, Topic 3
Tyler Winkler - voted for Subject 2, Topic 6
Dr. Tiffany Tyler-Garner - voted for Subject 2, Topic 3
Bobbette Bond - voted for Subject 2, Topic 3
Mason Van Houweling - **no longer present**, excused
Lilnetra Grady - voted for Subject 2, Topic 3
Yarleny Roa-Dugan - voted for Subject 2, Topic 3
Leann McAllister - voted for Subject 2, Topic 6
Dr. Ikram Khan - voted for Subject 2, Topic 6

Subject 2, Topic 3 - 6 votes
Subject 2, Topic 6 - 3 votes

Subject 2, Topic 3 carries.

Chair Khan suggested that Subject 2, Topic 6 be voted on for an alternative approach. Vice Chair Ruybalid motioned to put forward a letter from the PPC in support of Subject 2, Topic 6 to the Legislature. Commissioner Tyler-Garner seconded. Chair Khan called for a vote. Commissioner Bond asked to amend the motion to use any alternative method to move this topic forward, not limited to a letter from the PPC. Vice Chair Ruybalid seconded, and the vote ensued. Seven out of nine commissioners voted to move this topic forward by any alternative method. Motion carried.

Agenda Item VI - Public Comment

No public comment

Agenda Item VII - Wrap up and Adjournment

Dr. Ikram Khan, Chairman


Meeting was adjourned at 11:45 a.m.

Respectfully submitted,



Kiley Danner
Office of the Patient Protection Commission

APPROVED BY:



Dr. Ikram Khan, Chair

Date: October 11, 2022

Meeting Materials

AGENDA ITEM	PRESENTER	DESCRIPTION
IV.	Malinda Southard, Executive Director, PPC	Suggested Members PPC Stakeholder Subcommittee
V.	Malinda Southard, Executive Director, PPC	Overview PPC 5 BDR (7.22.22)
V.	Malinda Southard, Executive Director, PPC	Detailed 5 PPC BDR (7.29.22)