

Board of Community Health
Meeting
May 10, 2012

Members Present

Ross Mason
Norman Boyd
Jack M. Chapman, M.D.
Clay Cox
Inman C. "Buddy" English, M.D
Hannah Heck
Jamie Pennington

Members Absent

Archer Rose
William Wallace

The Board of Community Health held its regularly scheduled meeting at the Department of Community Health, Fifth Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia. Commissioner David A. Cook was also present. (An agenda and a List of Attendees are attached hereto and made official parts of these Minutes as Attachments #1 and #2). Chairman Ross Mason called the meeting to order at 10:40 a.m.

Minutes

The Minutes of the April 12, 2012 meeting were UNANIMOUSLY APPROVED and ADOPTED.

Committee Reports

Chairman Mason opened the meeting by reminding members of the Board that election of officers for FY13 would be on the June agenda. The Bylaws of the Board of Community Health provide for three officers: the Chair, Vice Chair and the Secretary. The bylaws set the term of office at one year with terms expiring on June 30th each year. There are no term limits on officers, so any officer may serve as many terms as he/she is elected to serve.

Chairman Mason established a Nominating Committee for the purpose of making nominations for DCH officers at the June meeting appointed the following members of the Board to serve on the Nominating Committee: Jamie Pennington, Archer Rose, Bill Wallace and Dr. Buddy English. The nominating Committee will stand abolished once it has made its nominations to the Board. Board members were reminded that a meeting of the Nominating Committee is subject to the open meetings law.

Chairman Mason stated that the Georgia Warrior Alliance event was held several weeks ago and was a success. The support team and Joint Chiefs of Staff took the leadership aside after the event to state that they felt that Georgia was uniquely positioned to lead the nation in programs and services for military men and women and their families.

Chairman Mason stated that he would have to leave the Board meeting early today for a meeting with Insurance Executives from across the country.

The Chairman reported that the Policy Committee met today. Kelly McCutchen, President of Georgia Public Policy Foundation and Ron Bachman presented on the issue of Medical liability and wrongful injury and its impact on healthcare in Georgia.

Ms. Jamie Pennington stated that as a member of the Audit Committee she would like to bring a motion before the Board. Ms. Pennington MADE a MOTION that the Board proceed with negotiations to retain the services of Metcalf Davis/Maulden and Jenkins to perform the Audit of the 2012 Financial Statements. Mr. Cox SECONDED the MOTION. ON THE MOTION, the yeas were 7, nays 0 and the MOTION was UNANIMOUSLY APPROVED.

Chairman Mason excused himself from the meeting.

Report of the Commissioner

The Commissioner stated that there were several action items before the Board today along with updates that would be presented before the Board.

Roy Griffis, Esq., from the office of General Counsel, introduced Stefan Ritter, Esq., Senior Assistant Attorney General. Mr. Ritter gave an extensive briefing to the Board on the new Open Records/Meeting Law. He stated that there were two parts to this law; meetings and records. He stated that if a quorum of the Board or a Committee of the Board meets and discusses or conducts in any manner, business of this Board, it must be done in an open meeting. That means before the meeting happens, there must be a notice and an agenda and after that meeting there must be minutes or a recording of what actions took place at the meeting. No quorum of the Board or any committee of the Board can meet without formalizing the meeting. Mr. Ritter then stated that every record created by the staff of DCH that relates to the business of DCH or that is prepared on a piece of equipment that DCH has provided, is subject to the Open Records Law with few exceptions. Also, any discussion, email, or written communication by Board members pertaining to business of the Board would be subject. Emails, letters, post-it notes on documents, drafts of documents, any data on a state owned computer is subject to the Open Records Law.

Commissioner Cook thanked Mr. Ritter for the presentation. Commissioner Cook asked if a Board member contacted another Board member on personal equipment, would that discussion be subject to the Open Records Law. Mr. Ritter stated that it would in fact be subject to Open Record. Mr. Ritter further stated that the use of private devices to discuss public business is subjected to the same law. Commissioner Cook noted that the number and complexity of open records requests is growing rapidly and that the Department is exploring the need to add additional resources to comply with the law.

Mr. Norman Boyd assumed the Chair in the absence of Chairman Mason.

Dr. Jerry Dubberly, Chief, Medicaid Division, presented Nursing Facility Service Public Notice for final adoption. He stated that a Public Notice was issued to modify the payment for nursing facility services effective for dates of service on or after July 1, 2012. The 2010 cost report was established by the Department following previously guidelines and methodology. The nursing facility provider fee will increase to the maximum allowed by federal regulation to assist with covering the costs associated with updating nursing facility cost reports from 2009 to 2010 cost reports. The fair rental value RSMeans cost per square foot value will be updated to correspond with the FY 2013 State appropriation.

A public hearing was held on April 18th, 2012 with only one response. The response was received from the Georgia Health Care Association and expressed strong support for the Public Notice. Ms. Pennington MADE a MOTION to approve for final adoption the Nursing Facility Service Public Notice. Ms. Heck SECONDED the MOTION. ON THE MOTION, the yeas were 6, nays 0 and the MOTION was UNANIMOUSLY APPROVED. (A copy of the Nursing Facility Service Public Notice is attached hereto and made an official part of these minutes as Attachment #3)

Dr. Jerry Dubberly presented Hospital Acquired Conditions Public Notice for initial adoption. He stated that Medicare has held a long standing rule that Hospital acquired conditions are not paid by Medicare. The Affordable Care Act stated in Section 2702 that what Medicare is doing will now be applied to Medicaid. Georgia has already configured the Medicaid systems to recognize Hospital Acquired Conditions so that Medicaid will not be responsible for payment. The Public notice is necessary to comply with a statutory requirement of a state plan amendment for hospital acquired conditions. Mr. Cox MADE a MOTION to approve for initial adoption the Hospital Acquired conditions Public Notice. Dr. English SECONDED the MOTION. ON THE MOTION, the yeas were 6, nays 0 and the MOTION was UNANIMOUSLY APPROVED. (A copy of the Hospital Acquired Conditions Public Notice is attached hereto and made an official part of these minutes as Attachment #4)

Dr. Dubberly presented the Payments for Medicare Dually Eligible Beneficiaries Public Notice for initial adoption. He stated that Dual Eligibility is established when a patient is covered by Medicare and Medicaid. Medical bills would first be submitted to Medicare and then transferred to Medicaid for payment. The proposed change will analyze the difference that Medicare and Medicaid would pay as the primary insurance provider and arrive at a co-insurance payment for the patient. The fiscal impact to Medicaid would be a decrease of \$48,000,000 to Medicaid expenditures for the State and would be retroactive to May 11, 2012. Ms. Pennington MADE a MOTION to approve for initial adoption the Medicare Dually Eligible Beneficiaries Public Notice. Ms. Heck SECONDED the MOTION. ON THE MOTION, the yeas were 6, nays 0 and the MOTION was UNANIMOUSLY APPROVED. (A copy of the Medicare Dually Eligible Beneficiaries Public Notice is attached hereto and made an official part of these minutes as Attachment #5)

Vince Harris, Chief Financial Officer presented the State Health Benefit Plan Employer Contribution Rate Resolution for adoption. The three rates that will be impacted by these changes are library employees, non-library employees and non-certificated school employees. The 2013 Annualized Teachers Plan Employer Contribution rate for library employees will be set as \$743.00 per month, non-library employees will be \$912.34 per month and non-certificated employees will be \$446.20 per month. These rates will implement the SHBP direct bill program and will help with revenue projections for the program. Mr. Cox MADE a MOTION to approve for adoption the State Health Benefit Plan Employer Contribution Rate Resolution. Dr. English SECONDED the MOTION. ON THE MOTION, the yeas were 6, nays 0 and the MOTION was UNANIMOUSLY APPROVED. (A copy of the State Health Benefit Plan Employer Contribution Rate Resolution is attached hereto and made an official part of these minutes as Attachment #6)

Mr. Scott Frederking presented the Bond Resolution for the Integrated Eligibility Project for adoption. Mr. Frederking stated that the State of Georgia Fiscal year 2012 Budget included \$10 million in general obligations bonds to support the acquisition of a new Eligibility System on behalf of the Department of Community Health. The project will design, develop and implement a new system with re-engineered business processes to streamline eligibility determination, improve customer service and enhance program integrity. The existing system has been in operation since 1998 and is outdated. The federal government has approved the plan to replace Georgia's system and to provide 90% of the funds. The \$10 million in bonds will supply the ten percent state match required to draw down these federal funds. The Georgia State Financing and Investing Commission is the state agency which schedules and sells general obligation bonds, disperses the money collected for the bonds and manages all projects that receive bond funds. The Commission requires all state agencies needing bonds sold on their behalf

Official Attachments:

- #1 List of Attendees**
- #2 Agenda**
- #3 Nursing Facility Service Public Notice**
- #4 Hospital Acquired Conditions Public Notice**
- #5 Medicare Dually Eligible Beneficiaries Public Notice**
- #6 State Health Benefit Plan Employer Contribution Rate Resolutions**
- #7 Bond Resolution for Eligibility Project**
- #8 2012 Legislative Update**

to have the governing board pass a standard resolution approving and authorizing the sale of the bonds and to abide by GSFIC terms and conditions. The resolution has been reviewed by the Commissioner, DCH staff, General Counsel and the Attorney General's office and is submitted to the Board for approval. Ms. Heck MADE a MOTION to approve for adoption the Bond Resolution for Eligibility Project. Ms. Pennington SECONDED the MOTION. ON THE MOTION, the yeas were 6, nays 0 and the MOTION was UNANIMOUSLY APPROVED. (A copy of the Bond Resolution for Eligibility Project is attached hereto and made an official part of these minutes as Attachment #7)

Jesse Weathington, Director of Legislative and External Affairs presented an update of bills presented to the General Assembly that would have direct impact on the Department of Community Health. A detailed summary of the bills is available on the DCH website. A copy of the 2012 Legislative Update is attached hereto and made an official part of these minutes as Attachment #8)

Adjournment

There being no further business to be brought before the board, Vice Chairman Boyd adjourned the meeting at 11:26 a.m.

THESE MINUTES ARE HEREBY APPROVED AND ADOPTED THIS THE 14th DAY OF June, 2012.



ROSS MASON
Chairman

ARCHER R. ROSE
Secretary