

**Ventura County Medi-Cal Managed Care Commission  
(VCOMMCC) dba Gold Coast Health Plan (GCHP)  
Commission Meeting Minutes  
July 28, 2014**

**CALL TO ORDER**

Chair Araujo called the meeting to order at 3:04 p.m. in Suite 200 at the Ventura County Public Health Building located at 2240 E. Gonzales Road, Oxnard, CA 93036.

**ROLL CALL**

**COMMISSION MEMBERS IN ATTENDANCE**

**Antonio Alatorre**, Clinicas del Camino Real, Inc.  
**David Araujo, MD**, Ventura County Medical Center Family Medicine Residency Program  
**Barry Fisher**, Ventura County Health Care Agency (arrived 3:07 p.m.)  
**Peter Foy**, Ventura County Board of Supervisors (arrived 3:07 p.m.)  
**David Glycer**, Private Hospitals / Healthcare System  
**Michelle Laba, MD**, Ventura County Medical Center Executive Committee  
**Gagan Pawar, MD**, Clinicas del Camino Real, Inc.  
**Dee Pupa**, Ventura County Health Care Agency

**EXCUSED / ABSENT COMMISSION MEMBERS**

**Lanyard Dial, MD**, Ventura County Medical Association  
**Robert Wardwell**, Private Hospitals / Healthcare System  
*Vacant*, Medi-Cal Beneficiary Advocate

**STAFF IN ATTENDANCE`**

**Michael Engelhard**, Chief Executive Officer  
**Nancy Kierstyn Schreiner**, Legal Counsel  
**Michelle Raleigh**, Chief Financial Officer  
**Traci R. McGinley**, Clerk of the Board  
**Brandy Armenta**, Compliance Director  
**Stacy Diaz**, Human Resources Director  
**Mike Foord**, IT Infrastructure Manager  
**Anne Freese**, Pharmacy Director  
**Guillermo Gonzalez**, Government Relations Director  
**Lupe Gonzalez**, Director of Health Education, Outreach, Cultural and Linguistic Services  
**Steven Lalich**, Communications Director  
**Tami Lewis**, Operations Director  
**Allen Maithel**, Controller  
**Al Reeves, MD**, Chief Medical Officer  
**Melissa Scrymgeour**, Chief Information Officer  
**Lyndon Turner**, Financial Analysis Director  
**Ruth Watson**, Chief Operations Officer  
**Nancy Wharfield, MD**, Medical Director Health Services

The Pledge of Allegiance was recited.

Language Interpreting and Translating services was provided by GCHP from Lourdes González Campbell and Associates.

## **PUBLIC COMMENT**

None.

### **1. APPROVE MINUTES**

#### **a. Regular Meeting of May 19, 2014**

Chair Araujo explained that due to questions regarding the May 19, 2014 Minutes at the last meeting a transcript of the agenda items and votes in question was provided.

Commissioner Foy moved to approve the Regular Meeting Minutes of May 19, 2014. Commissioner Pupa seconded. The motion carried with the following votes:

AYE: Araujo, Foy, Glycer, Laba and Pupa.  
NAY: Alatorre and Pawar.  
ABSTAIN: Fisher.  
ABSENT: Dial and Wardwell.

#### **b. Special Meeting of June 18, 2014**

Commissioner Fisher moved to approve the Special Meeting Minutes of June 18, 2014. Commissioner Alatorre seconded. The motion carried with the following votes:

AYE: Alatorre, Araujo, Fisher, Glycer, Pawar and Pupa.  
NAY: None.  
ABSTAIN: Foy and Laba.  
ABSENT: Dial and Wardwell.

#### **c. Regular Meeting of June 23, 2014**

Commissioner Fisher moved to approve the Regular Meeting Minutes of June 23, 2014. Commissioner Alatorre seconded. The motion carried with the following votes:

AYE: Alatorre, Araujo, Fisher, Laba and Pawar.  
NAY: None.  
ABSTAIN: Foy, Glycer and Pupa.  
ABSENT: Dial and Wardwell.

### **2. CONSENT ITEMS**

Item 2d, *Approve Resolution Amending Personnel Rules, Regulations and Policies* was pulled from the Consent Items for discussion.

#### **a. June Financials**

In response to questions about the increase in legal fees, CEO Engelhard explained that there has been a significant increase in matters requiring legal services this year related

not only to general counsel items, but items such as public records request response preparation, personnel matters, litigation defense expenses, insurance matters and provider contracting issues. He emphasized that staff is looking for ways to reduce the legal costs and clarified that multiple firms are being used for different types of matters.

**b. Financial Auditor 2014 Client Service and Audit Plan**

**c. Quarterly Update to Auditor's Recommendations**

In response to questions on the report, CFO Raleigh explained that the table provides a status update of the Plan's activities in response to the auditor's recommendations from last year.

**e. Direct Staff to Conduct Conflict of Interest Biennial Review**

**f. Approve Resolution Amending the Claims Procedure to Reflect Current Mailing Address**

**g. Ratify Letters of Support for Grants**

Commissioner Fisher moved to approve the Consent Items with the exception of Item 2d, which was removed from Consent Items. Commissioner Foy seconded. The motion carried with the following votes:

AYE: Alatorre, Araujo, Fisher, Foy, Glyer, Laba, Pawar and Pupa.  
NAY: None.  
ABSTAIN: None.  
ABSENT: Dial and Wardwell.

**2. CONSENT ITEM – REMOVED FOR DISCUSSION**

**d. Approve Resolution Amending Personnel Rules, Regulations and Policies**

Commissioner Fisher explained that he had not been present at the May Commission meeting and had questions on the Vacation Buy-Back and the SPOT Award. He asked why the Vacation Buy-Back policy was approved retroactively. Legal Counsel Kierstyn Schreiner explained that the Commission agreed to approve the Vacation Buy-Back policy retroactively because the policy had originally been put into place as an administrative policy and employees had already taken utilized this policy.

Commissioner Fisher asked if the Vacation Buy-Back policy could be put on hold because the Vacation Buy-Back policy is part of the outside investigation that the Special Investigation Ad Hoc Committee is overseeing.

Legal Counsel Kierstyn Schreiner explained that the resolution before the Commission reflects the action taken by the Commission on May 19, 2014. If the Commission wishes to change the policy it could be placed on the agenda at a future meeting.

Legal Counsel Kierstyn Schreiner noted that on the Bereavement Policy attachment to the Resolution should reflect an effective date of July 1, 2014.

With regard to the SPOT Award, Commissioner Fisher expressed concern about the budget amount; the County of Ventura has something similar, but with over 8,000 employees it only has an annual budget of \$500.

Commissioner Alatorre expressed concern about the September 1, 2012 date on some of the policies and had not seen or heard that date before on these policies.

Legal Counsel Kierstyn Schreiner explained that the original Personnel Policies were adopted by the Plan in August 2012, effective September 1, 2012.

Commissioner Foy moved to continue 2d, Approve Resolution Amending Personnel Rules, Regulations and Policies until the August Commission Meeting to discuss the resolution and the individual policies related to that Resolution, including the Vacation Buy-Back Policy and the SPOT Award Policy with the understanding that the CEO will suspend those two policies until further Commission Action. Commissioner Alatorre seconded. The motion carried with the following votes:

AYE: Alatorre, Araujo, Fisher, Foy, Glycer, Laba, Pawar and Pupa.  
NAY: None.  
ABSTAIN: None.  
ABSENT: Dial and Wardwell.

### 3. APPROVAL ITEMS

#### a. Sponsorship Request: MICOP

Lupe Gonzalez, Director of Health Education, Outreach, Cultural and Linguistic Services, reviewed the staff report requesting the Commission approve a \$1,500 sponsorship to the MICOP annual gala event. CEO Engelhard added that GCHP does not currently have a sponsorship policy.

Commissioner Fisher moved to approve the request for sponsorship with the condition that management present a Sponsorship Policy to the Commission for review and approval within the next three months and that the Commission will not approve any additional sponsorships until a policy is in place. Commissioner Glycer seconded. The motion carried with the following votes:

AYE: Alatorre, Araujo, Fisher, Foy, Glycer, Laba, Pawar and Pupa.  
NAY: None.  
ABSTAIN: None.  
ABSENT: Dial and Wardwell.

#### b. ACA 1202 Payment Approach

CFO Raleigh reviewed the report with the Commission. The initial payments were made in March, 2014 and as these payments were made the State alerted the managed care plans that a change in calculation of these supplemental payments was necessary. The

State clarified the calculation to include the “lesser of” language for non-Child Health and Disability Prevention (CHDP) claims which may have caused some providers to be overpaid based on how their original billings were submitted. Staff recommends that overpayments not be recovered from the providers and that GCHP follow the State’s methodology, including the “lesser of” language for non-CHDP claims effective July 1, 2013. The State will be providing detail and clarify these changes, processes, and documentation. At that time, GCHP will review the additional State instructions and prepare payments to qualifying providers as State funding is received.

Commissioner Foy moved to continue this item to the next Commission Meeting. Commissioner Fisher seconded. The motion carried with the following votes:

AYE: Alatorre, Araujo, Fisher, Foy, Glycer, Laba, Pawar and Pupa.  
NAY: None.  
ABSTAIN: None.  
ABSENT: Dial and Wardwell.

**c. Compliance Officer Quarterly Report**

Brandy Armenta, Compliance Officer, reviewed the quarterly report reflecting the Plan’s activities. After discussion, the Commission requested copies of the work plan be provided and that statistics be provided at each meeting.

Commissioner Pupa moved to approve the Compliance Report. Commissioner Foy seconded. The motion carried with the following votes:

AYE: Alatorre, Araujo, Fisher, Foy, Glycer, Laba, Pawar and Pupa.  
NAY: None.  
ABSTAIN: None.  
ABSENT: Dial and Wardwell.

**d. Affirming the Independent Role of the Special Investigation Ad Hoc Committee and Authorizing Actions in Furtherance Thereof**

Commissioner Fisher reviewed with the Commission that two attorneys had been retained for the Ad Hoc Committee and requested the Commission reaffirm support that this is a transparent process. Chair Araujo confirmed that the Ad Hoc Committee will report to the Commission any contracts entered into by the Ad Hoc Committee.

Commissioner Pupa moved to approve and affirm that the Special Investigation Ad Hoc Committee may enter into contracts as it deems necessary to complete the investigation. Foy seconded. The motion carried with the following votes:

AYE: Alatorre, Araujo, Fisher, Foy, Glycer, Laba, Pawar and Pupa.  
NAY: None.  
ABSTAIN: None.  
ABSENT: Dial and Wardwell.

#### **4. ACCEPT AND FILE ITEMS**

Chair Araujo announced that Item 4c, *CMO Update – Quality Improvement Committee Report 2<sup>nd</sup> Quarter 2014* is removed from the Agenda and will come before the Commission at the next meeting.

##### **a. CEO Update**

CEO Engelhard reviewed the written report.

##### **b. COO Update**

COO Watson reviewed the written report.

Commissioner Foy moved to accept and file the COO Update. Commissioner Fisher seconded. The motion carried with the following votes:

AYE: Alatorre, Araujo, Fisher, Foy, Glycer, Laba, Pawar and Pupa.  
NAY: None.  
ABSTAIN: None.  
ABSENT: Dial and Wardwell.

##### **d. Health Services Update**

Nancy Wharfield, Medical Director Health Services reviewed the written report.

Commissioner Pupa moved to accept and file the CEO and Health Services Updates. Commissioner Fisher seconded. The motion carried with the following votes:

AYE: Alatorre, Araujo, Fisher, Foy, Glycer, Laba, Pawar and Pupa.  
NAY: None.  
ABSTAIN: None.  
ABSENT: Dial and Wardwell.

#### **COMMENTS FROM COMMISSIONERS**

Commissioner Fisher commented that Guillermo Gonzalez had done a great job on the educational session done the previous week re: Advisory Group session. With regard to the Special Investigation, Commission Fisher wanted the public and employees to know that the investigation will take time but that it will be a thorough investigation into the matter.

Commissioner Pupa commended CEO Engelhard and the staff for doing great job with the additional membership that has been added to the Plan.

#### **CLOSED SESSION**

Legal Counsel Kierstyn Schreiner explained the purpose of the Closed Session items.

### **ADJOURN TO CLOSED SESSION**

The Commission adjourned to Closed Session at 4:48 pm regarding the following items:

- a. **Conference with Legal Counsel-Existing Litigation Pursuant to Government Code 54956.9:** EEOC Charge No. 480-2014-02364
- b. **Closed Session Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9:** Sziklai et al. v. Ventura County Medi-Cal Managed Care Commission et al; Ventura County Superior Court, Case Number 56-2012-00428086

### **RETURN TO OPEN SESSION**

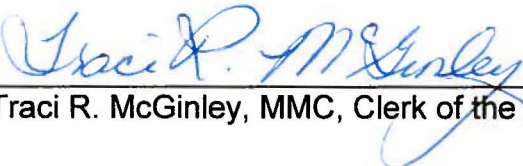
The Regular Meeting reconvened at 5:16 p.m.

Legal Counsel Kierstyn Schreiner stated that there was no reportable action taken.

### **ADJOURNMENT**

Meeting adjourned at 5:17 p.m.

APPROVED:

  
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Traci R. McGinley, MMC, Clerk of the Board