

**Ventura County Medi-Cal Managed Care Commission (VCOMMCC)
dba Gold Coast Health Plan**

Credentials / Peer Review Committee Meeting

Special Meeting

Thursday, March 30, 2023 4:00 p.m.

The meeting is being held virtually pursuant to AB 361.

Members of the public can participate using the Conference Call Number below.

Conference Call Number: 1-805-324-7279

Conference ID Number: 793 343 650#

Due to the declared state of emergency wherein social distancing measures have been imposed or recommended, this meeting is being held pursuant to AB 361.

AGENDA

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT

The public has the opportunity to address the Credentials / Peer Review Committee (CPRC) on the agenda.

Persons wishing to address the CPRC are limited to three (3) minutes unless the Chair of the Committee extends time for good cause shown. Comments regarding items not on the agenda must be within the subject jurisdiction of the Committee.

Members of the public may call in, using the numbers above, or can submit public comments to the Committee via email by sending an email to ask@goldchp.org. If members of the public want to speak on a particular agenda item, please identify the agenda item number. Public comments submitted by email should be under 300 words.

CONSENT

1. Findings to Continue to Hold Remote Teleconference / Virtual Credentials / Peer Review Committee Meetings Pursuant to Assembly Bill 361.

Staff: Felix L. Nuñez, MD, MPH, Chief Medical Officer

RECOMMENDATION: It is recommended that the Committee should make the findings and determine that teleconferencing under AB 361 will promote and protect the public's health, safety and welfare.

ADJOURNMENT

Date and location of the next meeting to be determined at the March 30, 2023 meeting.

Administrative Reports relating to this agenda are available at 711 East Daily Drive, Suite #106, Camarillo, California, during normal business hours and on <http://goldcoasthealthplan.org>. Materials related to an agenda item submitted to the Committee after distribution of the agenda packet are available for public review during normal business hours at the office of the Clerk of the Commission.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact (805) 437-5512. Notification for accommodation must be made by the Monday prior to the meeting by 1:00 p.m. to enable the Clerk of the Commission to make reasonable arrangements for accessibility to this meeting.



AGENDA ITEM NO. 1

TO: Credentials / Peer Review Committee

FROM: Felix L. Nuñez, MD, MPH, Chief Medical Officer

DATE: March 30, 2023

SUBJECT: In-Person and Teleconferencing Meeting Findings under the Ralph M. Brown Act and Assembly Bill 361.

SUMMARY/RECOMMENDATION:

The Credentials / Peer Review Committee (“Committee”) voted at its March 2, 2023 meeting to continue to meet remotely pursuant to AB 361. The statute requires that findings pursuant to AB 361 be made every 30 days in order to continue to be able to meet remotely under AB 361. It is recommended that the Committee make the following findings:

- a. The Committee has reconsidered the circumstances of the state of emergency; and
- b. State or local officials continue to impose or recommend measures to promote social distancing, such rules being the Non-Emergency Rules issued by Cal/OSHA.

As explained below, the Committee may rely on the recent non-emergency rules issued by Cal/OSHA to make the second requisite finding.

BACKGROUND/DISCUSSION:

I. Teleconferencing under the Traditional Pre-Pandemic Rules

Traditionally, the Brown Act has allowed for teleconference or virtual meetings, provided that:

- The agenda must be posted at all teleconferenced locations.
- Each teleconference location must be accessible to the public.
- At least a quorum of the legislative body members must participate from within the boundaries of the jurisdiction, except as otherwise allowed by the Brown Act.
- All votes taken must be by roll call.
- Teleconferenced meeting must be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body.
- Notice of the meeting must be given, and agendas must be posted as otherwise required by the Brown Act.

- Each teleconferenced location must be identified in the notice and agenda.
- Members of the public must be provided an opportunity to address the legislative body directly at each teleconferenced location.

II. Teleconferencing under Assembly Bill 361

The traditional teleconferencing rules under the Brown Act were relaxed in response to the COVID-19 pandemic. Since March of 2020 and the issuance of Governor Newsom's Executive Order N-29-20, which suspended portions of the Brown Act relating to teleconferencing, the Committee and most public entities have had virtual meetings without having to post the location of the public officials attending virtually, making all locations accessible to the public and requiring a quorum of the body to be within the jurisdiction. In June of 2021, Governor Newsom issued Executive Order N-08-21, which provided that the exceptions contained in EO N-29-20 would sunset on September 30, 2021.

On September 10, 2021, the Legislature adopted AB 361, which allows public agencies to hold fully virtual meetings dispensing with the traditional teleconferencing procedures under the Brown Act of having to post the location of the legislative body members attending virtually, making all locations accessible to the public and requiring a quorum of the body to be within the jurisdiction, if the public agency makes the determination that there is a Governor-proclaimed state of emergency which they will consider in their determination, and one of two secondary criteria listed below exists:

- State or local officials have imposed or recommended measures to promote social distancing in connection with COVID-19; or
- The Commission and its Committees determine that requiring a meeting in person would present an imminent risk to the health or safety of attendees.

The Commission has been making the findings under AB 361 since the onset of the COVID-19 pandemic.

Although AB 361 remains a law through January 1, 2024, Governor Newsom has announced that the declared statewide COVID-19 State of Emergency ended on February 28, 2023. The County of Ventura has announced that the County-wide COVID-19 local emergency also ended on February 28, 2023. As such, the Committee may only be able to continue using AB 361 for teleconference meetings if the Committee continues to meet at least every 30 days, and by majority vote, makes both of the following findings:

- The Committee has reconsidered the circumstances of the state of emergency; and
- State or local officials continue to impose or recommend measures to promote social distancing and as such, the health and welfare of participants of the meeting will be protected by meeting remotely.

The Committee may rely on recent regulations issued by Cal/OSHA described below, to satisfy the second requisite finding listed above. If this option is followed, the Committee must make the above findings during today's meeting and reference the non-emergency Cal/OSHA regulations as a continuing basis to meet remotely.

Recently Issued Cal/OSHA Regulations and the Health and Safety of Attendees

On February 3, 2023, a new set of non-emergency COVID-19 prevention regulations issued by Cal/OSHA took effect statewide. The regulations carried over some of the same requirements from the earlier Cal/OSHA COVID-19 Emergency Temporary Standards, and include new employer-facing provisions for worker protection measures. Among other things, these updated COVID-19 reduction measures require employers to develop, implement, and maintain effective policies to prevent transmission of COVID-19 by persons who had close contacts (based on being within six feet of a person confirmed to have COVID-19), and require face coverings in specified instances.

Additionally, members may be attending the meeting from medical offices and having to allow members of the public attend such meetings in person will pose a threat to the health and safety of persons working at such offices as well as to members of the public themselves.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

If the Committee decides to not make the requisite findings under Assembly Bill 361 to continue to meet remotely, the Committee will have to follow the traditional Brown Act rules pertaining to in-person and teleconference Committee meetings that existed prior to the COVID-19 pandemic unless an exception under AB 2449, which were discussed at the March 2, 2023 meeting, exist.

FOLLOW UP ACTION:

Make the findings within 30 days from this meeting.

ATTACHMENT:

None.