

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

**Provider Advisory Committee (PAC)**

**Special Meeting**

**Tuesday, November 1, 2022, 7:30 a.m.**

**Due to the public health emergency, the Community Room at Gold Coast Health Plan is currently closed to the public.**

**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: 445 896 435#**

**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 Provider Advisory Committee (PAC) on the agenda.

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

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](mailto: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 Provider Advisory Committee Meetings Pursuant to Assembly Bill 361.**

Staff: Marlen Torres, Executive Director, Strategy and External Affairs

**RECOMMENDATION:** It is recommended that the Committee adopt the findings to continue to meet remotely.

## **COMMENTS FROM COMMITTEE MEMBERS**

## **ADJOURNMENT**

Date and location of the next meeting to be determined at the November 29, 2022, special meeting.

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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 Secretary of the Committee.

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 GCHP to make reasonable arrangements for accessibility to this meeting.



## **AGENDA ITEM NO. 1**

**TO:** Provider Advisory Committee

**FROM:** Marlen Torres, Executive Director, Strategy and External Affairs

**DATE:** November 1, 2022

**SUBJECT: Findings to Continue to Hold Remote Teleconference/Virtual Provider Advisory Committee Meetings Pursuant to Assembly Bill 361**

### **SUMMARY/RECOMMENDATION:**

At its May 24, 2022, meeting the Provider Advisory Committee (“Committee”) of the Ventura County Medi-Cal Managed Care Commission (“Commission”) dba as Gold Coast Health Plan (“Plan”) made findings pursuant to Assembly Bill 361 to continue to meet remotely. To continue this practice, it is required, that the Committee determine that the COVID-19 state of emergency proclaimed by the Governor still exists and has been considered by the Committee in deciding to continue to have teleconference meetings and that state or local officials have imposed or recommended measures to promote social distancing in connection with COVID-19, and that as result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees. Because these findings must be made every thirty (30) days, it is time to remake the findings.

### **BACKGROUND/DISCUSSION:**

Traditionally, the Brown Act allows for teleconference or virtual meetings, provided that the physical locations of the legislative body’s members joining by teleconference are posted on the agenda, that those locations are open to the public and that a quorum of the members is located within its jurisdiction. Newly enacted AB 361 provides an exception to these procedures in order to allow for fully virtual meetings during proclaimed emergencies, including 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 Commission and the Plan’s Committees have had virtual meetings without having to post the location of the legislative body members attending virtually. Most public agencies have been holding public meetings using virtual platforms since this time. 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 under certain circumstances without the posting of the agenda from each location a legislative body member is attending. Governor Newsom signed the bill into law on September 16, 2021. Because it contained an urgency provision, it took immediate effect.

### *Specific Findings Required under AB 361*

Under AB 361, the Committee, can hold virtual meetings without providing notice of the Committee's teleconference location if the Committee makes the determination that there is a Governor-proclaimed state of emergency which the Committee will consider in their determination, and one of two secondary criteria listed below exists:

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

COVID-19 continues to present an imminent threat to the health and safety of Committee members, and its personnel, and the Governor's declaration of a COVID-19 emergency still exists. Although vaccines are now widely available, many people in the State and County are still not fully vaccinated and remain susceptible to infection. The disease can still spread rapidly through person-to-person contact and those in close proximity. Further, more contagious variants of the disease are now present in the State and County, the most predominant of which continues to be the Delta variant. However, another "variant of concern"—the Omicron variant, which has spread rapidly through South Africa and which spurred President Biden's travel ban to several countries in that continent, has also been detected in California. Additionally, several Committee members attend meetings in medical facilities or offices and allowing members of the public to attend meetings at these posted locations when they may not be vaccinated would pose a threat to the health or safety of attendees.

### *Re-Authorization is Required Within 30 Days*

The Committee made the findings listed above at its December 7, 2021, Committee meeting and again during its January 4, 2022, February 1, 2022, February 22, 2022, special Committee meetings, March 8, 2022 regular Committee meeting, April 5, May 5, May 24, special Committee meetings, June 7, 2022 regular committee meeting, July 6, 2022, August 2, 2022, August 23, 2022 special meeting, September 12, 2022 special meeting, September 20, 2022 regular meeting, and October 4, 2022 special meeting. Consistent with the provisions of Government Code Section 54953(e), the findings must be made every 30 days

“after teleconferencing for the first time” under AB 361. Thus, if the Committee desires to continue to meet remotely without having to post the location of each teleconference location, the Committee must again find that the COVID-19 emergency still exists and that one of the two following findings can be made: that state or local officials have imposed or recommended measures to promote social distancing in connection with COVID-19, or, that a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees.

It is recommended that the Committee make these findings.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

The Committee will have to follow the Brown Act provisions that existed prior to the COVID-19 pandemic.

**FOLLOW UP ACTION:**

That the Committee make the findings under AB 361 at its November 29, 2022 special Committee meeting.

**ATTACHMENT:**

None.