

## JOINT COMMISSION ON HEALTH CARE

Senate Room A

November 24, 2008 – 10:00 a.m.

### MINUTES

**MEMBERS ATTENDING:** Senator R. Edward Houck, Chairman; Delegate Phillip A. Hamilton, Vice-Chairman; Delegate Clifford L. Athey, Jr.; Senator George L. Barker; Senator Harry B. Blevins; Delegate Robert H. Brink; Delegate David L. Bulova; Delegate Benjamin L. Cline; Senator L. Louise Lucas; Delegate Kenneth R. Melvin; Senator Ralph S. Northam (via telephone); Delegate David A. Nutter; Delegate John M. O'Bannon, III; Senator Linda T. Puller; Senator Patricia S. Ticer; and Secretary Marilyn B. Tavenner.

#### CALL TO ORDER

The JCHC meeting was called to order by Senator R. Edward Houck, Chairman.

Ms. Kim Snead, Executive Director of the Joint Commission provided an overview of the agenda and described briefly the contents of letters from: Secretary of Health & Human Resources, Department of Medical Assistance Services, and Virginia Association of Community Services Boards. The Virginia's Conversion Health Foundations 2007 report was also included in the members' notebooks.

#### REVIEW OF DECISION MATRIX POLICY OPTIONS

The purpose of the decision matrix meeting is to review and discuss findings, public comments and policy options regarding staff reports and other issues that came before the Commission and its Subcommittees in 2008. The Commission members vote on policy options, including legislation to be introduced during the 2009 General Assembly Session.

#### BEHAVIORAL HEALTH CARE SUBCOMMITTEE

##### Staff Report: Overview of Underage Drinking

Option 1: Take no action.

**Option 2:** Introduce legislation to address the hosting of underage drinking parties.

Option 3: Designate a percentage or fixed amount (to be determined) of the additional revenue collected by the Department of Alcoholic Beverage Control for prevention of underage drinking and other substance abuse by youth. Additional revenue is expected to be generated through Sunday sales and additional retail locations. (Funds would be transferred to DMHMRSAS which would be responsible for contracting with local public and private agencies for provision of services.)

*Option 2 was approved (7-5 vote).*

##### Review of CSB Child & Adolescent Services

Option 1: Take no action.

Option 2: Request by letter from the JCHC Chairman that the Department of Mental Health, Mental Retardation and Substance Abuse Services share with the Joint Commission the comprehensive plan for the delivery of behavioral health care services for children, adolescents and their families (if a plan is developed by July 2009 as recommended by the Office of the Inspector General).

**Option 3:** Request by letter of the JCHC Chairman that the Secretary of Health and Human Resources ensure the development of a comprehensive plan for the delivery of behavioral health care services for children, adolescents and their families prior to the 2010 General Assembly Session. The letter would include the request for the plan to be submitted to the Joint Commission by October 1, 2009.

*Option 3 was approved unanimously by voice vote.*

##### Mental Health Reform Initiatives

There were no options associated with this report.

## LONG-TERM/MEDICAID REFORM SUBCOMMITTEE

### Virginia Medicaid Policies

**Option 1:** Take no action.

Option 2: Request by letter of the JCHC Chairman that DMAS study the idea of transforming the Virginia Health Care Fund into a Medicaid Stabilization Fund including potential funding sources and rules for accessing the funds.

*Option 1 was approved unanimously by voice vote.*

## JOINT COMMISSION ON HEALTH CARE

### Staff Report: Section 125 Plans

Option 1: Take no action

Option 2: Amend the *Code of Virginia* to mandate employers offer a Section 125 Plan if all of the following provisions are met:

- At least 10 full-time employees
- Group health insurance is offered
- Employee pays some part of the health insurance premium

*Note: No requirement for employers to provide health insurance or contribute to plan premiums.*

Option 3: Request by letter of the JCHC Chairman that the Department of Human Resources Management (DHRM) in consultation with the Department of Business Assistance (VDBA) create a:

- Brief electronic document highlighting Section 125 benefits to post on the VDBA website and on Virginia's business portal website.

Option 4: Request by letter of the JCHC Chairman that the Department of Human Resources Management in consultation with the Department of Business Assistance (VDBA) create a:

- Detailed electronic document highlighting Section 125 benefits; requirements for adoption; and COBRA, ERISA and HIPPA implications to post on the VDBA website and on Virginia's business portal website.

**Option 5:** Request by letter of the JCHC Chairman that the Department of Human Resources Management in consultation with the Department of Business Assistance (VDBA) create a:

- Detailed electronic document highlighting Section 125 benefits; requirements for adoption; COBRA, ERISA, and HIPPA implications; and a simple Section 125 Plan form to post on the VDBA website and on Virginia's business portal website.

Option 6: Amend the *Code of Virginia* to require employers to affirm on the Virginia Department of Taxation Form VA-6 that:

- Employer has a Section 125 Plan, or
- Employer has read the State-created document regarding Section 125 Plans.

Option 7: Request by letter of the JCHC Chairman that the State Corporation Commission consider and report to JCHC on including Section 125 Plan information on both the Health and the Life & Annuities & Health insurance examinations.

**Option 8:** Request by letter of the JCHC Chairman that the Virginia Chamber of Commerce inform its membership of Section 125 Plans and associated benefits through its newsletter.

**Option 9:** Request by letter of the JCHC Chairman that the National Federation of Independent Businesses/Virginia include information on Section 125 Plans as part of the Federation's Area Action Council meetings with small businesses.

**Option 10:** Include in the 2009 workplan that the Joint Commission convene a workgroup to compile information needed for an informational website on health insurers to be hosted by Virginia Health Information (VHI) with appropriate linkages on other state websites and address other health insurance issues as

appropriate. The workgroup to develop the website should include:

- National Federation of Independent Businesses
- Virginia Association of Health Plans
- Virginia Association of Health Underwriters
- Virginia Chamber of Commerce
- Virginia Department of Health
- Virginia Department of Business Assistance
- Virginia Health Information

*Options 5, 8, 9 and 10 were approved unanimously by voice vote.*

#### **Interim Staff Report: Analysis of Health Workforce Pipelines**

Option 1: Take no action.

**Option 2:** Request by letter of the JCHC Chairman that the Virginia Board of Medicine save an electronic archive copy of the Doctor's Profile Database annually.

**Option 3:** Authorize JCHC staff to conduct joint research with VCOM's National Center for the Analysis of Healthcare Data in completing the workforce pipeline study (to be reported to JCHC by November 2009).

*Options 2 and 3 were approved unanimously by voice vote.*

#### **Staff Report: Alternatives to Long-Term Care and Support for Family Caregivers**

Option 1: Take no action.

**Option 2:** Continue study for one additional year to research options for improving "aging at home" services and support for culture change initiatives in Virginia.

**Option 3:** Restore funding for Virginia Caregivers Grant when budget allows.

**Option 4:** Assist local Chambers of Commerce in educating Virginia business owners about caregiver workforce issues and encourage owners to provide caregiver support programs.

*Options 2, 3 and 4 were approved unanimously by voice vote.*

#### **Staff Report: Various Responses to Medical Errors**

Option 1: Take no action.

**Option 2:** The JCHC should convene a Task Force consisting of representatives of the primary stakeholders in this subject area – to include the Medical Society of Virginia, the Virginia Hospital and Healthcare Association, the Department of Health, Department of Health Professions, Board of Medicine, the Virginia Trial Lawyers Association, the Virginia Association of Defense Attorneys, the medical malpractice insurance industry and broader physician, health care provider and consumer representation. We recommend that the JCHC charge this task force with:

- building upon the work already done by the 101 Study Committee;
- developing agreed-upon working definitions of key terms such as adverse outcome, medical error, and disclosures, to facilitate discussions in Virginia of the issues;
- tracking results and developments in disclosure and resolution programs now operational in Virginia and other states, and federal developments in this area;
- crafting a model or models for disclosure and early resolution programs that could be offered to Virginia health care providers, insurers and attorneys for their use;
- should such a model or models be developed, considering ways to incentivize health care providers to try use of such models and to report outcomes of their use with regard to several factors, including cost, claims experience, impact on quality/patient safety efforts and reported patient/provider satisfaction;
- should the Task Force decide not to offer such model(s), explaining the reasons.

*Option 2 was approved unanimously by voice vote.*

**Sunset Date for the Joint Commission on Health Care**

Option 1: Take no action.

Option 2: Introduce legislation to amend the *Code of Virginia* § 30.170 to extend the sunset provision to July 1, 2015.

**Option 3:** Introduce legislation to amend the *Code of Virginia* § 30.170 to remove the sunset provision.

*Option 3 was approved (6-3vote).*

**Correct Mistake in Enacted Statutory Language Introduced in 2008**

Option 1: Take no action.

**Option 2:** Introduce legislation to amend the *Code of Virginia* § 37.2-416 to remove the provision allowing an individual with a conviction of assault and battery against a family member to be assessed for employment by community services boards.

*Option 2 was approved unanimously by voice vote.*

**ADJOURNMENT**

The meeting was adjourned. Some Commission members participated in a tour of the Virginia Treatment Center for Children at VCU. In light of the State's budget shortfall, no JCHC meeting will be held in January.

Approved by: Kim Snead  
Date: December 15, 2008  
Prepared by: Sylvia Reid