

MINUTES OF THE
STATE OF NEW MEXICO
HEALTH POLICY COMMISSION
MEETING
November 20, 2009

(Minutes shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policy-making body.)

Members Present

Members Absent

Frank Hesse Karen Kotch Jerry Harrison Eric Kraska Robert Romero Susan Trujillo Dawn Brooks	Valerie Romero-Leggott
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Call to Order

The meeting was called to order at 9:10am by the Chairman, Dr. Frank Hesse.

Roll Call.

There was discussion of a new Commissioner and vacancy created by Kim Maxwell's resignation. Recommendation that we talk to Dr. Gianinni for suggestions, recommendation that we identify someone from the eastern part of state – perhaps Jane Batson, Michelle Luckins, or Harry Magnis (ABQ Health Partners),

Approval of Agenda

Motion to approve by Commissioner Harrison; seconded by Commissioner Kotch; approved by unanimous vote.

Approval of Minutes

Motion to approve minutes from the August 28th meeting by Commission Trujillo; seconded by Commissioner Kotch; approved by unanimous vote.

Election of Officers

There was a suggestion made that there would be no need for a parliamentarian.

Nominations for Chairman: Motion that Dr. Hesse remain as Chairman made by Commissioner Kotch; seconded by Commissioner Harrison. Motion to approve by acclimation by Commissioner Brooks; seconded by Commissioner Harrison; approved by unanimous vote.

Nominations for Vice-Chair: Motion to nominate Commissioner Brooks by Commissioner Kotch; seconded by Commissioner Trujillo. Motion to approve by

acclimation by Commissioner Kotch; seconded by Commissioner Romero; approved by unanimous vote.

Open Public Meetings Act Presentation

Elaine Lujan of the NM Attorney General's office provided a review of the OMA compliance guide. The OMA, along with the Inspection of Public Records Act, is part of what is commonly referred to as the NM Sunshine Laws, which provide for open and transparent government. The OMA covers:

- access to meetings held by public bodies;
- requirements for meeting notices;
- meeting minutes;
- open and closed meeting sessions, including procedures to close a meeting.

Some of the major/substantive provisions (10-15-1 Formation of Public Policy) include:

- Section A – Sets the public's right to open meetings. All persons are entitled to the greatest possible information of their government. Generally, public bodies cannot engage in the formation of public policy or otherwise discuss any public business in general in closed meetings. It also states that all persons desiring, must be allowed to attend and listen to deliberations and proceedings, though it does not include a requirement that the public must be able participate in discussions or provide information, it is up to the board to allow for public comment.
- Section B – Defines which types of meetings are covered by the Act. All meetings of a quorum of members, where any action will be taken. For the HPC, a quorum of the members would be any communication or contact between 5 or more members whether in person, by email or by phone.
- Section C – Covers telephonic attendance by a commissioner. Telephonic meetings where every attendee is present by phone is not allowed as it does not provide for public attendance. The requirements to allow for a commissioner to attend a meeting by phone are: 1) that it be provided for in commission by-laws; 2) that it is otherwise *difficult or impossible to attend in person*; and 3) that the person on the phone must be able to hear everyone at the meeting and everyone at the meeting must be able to hear the person on the phone. Examples of "difficult or impossible" can be found in the compliance guide on page 12. Use of video conferencing is treated the same as telephonic conferencing because the members are not physically present. In order to allow for public attendance, there must be a physical location to accommodate public attendance.
- Section D - Covers meeting notice time requirements and where the notices should occur.
- Section E – Covers how a meeting can be closed, either prior to or during a meeting.
- Section F – Covers what the notices and agendas shall include, such as specific action items (subject matter listed) and how and where to obtain the agenda.
- Section G – Covers the meeting minutes and what, at minimum, should be included in the minutes.

Elaine also covered the consequences of violating the act. Should the HPC violate the act, any actions and/or votes would become invalid and those items would have to be put on next meeting agenda and revote. Enforcement of the action is done by the AG's

office, the District Attorney's office and/or individuals. Violations of the OMA are a misdemeanor and are punishable by a fine of up to \$500 for each offense; however, this would most likely only be imposed after continued violations with advice from council that the violations need to be corrected.

Review of HPC By-Laws

There was discussion and some review of the by-laws during the OMA presentation. Elaine Lujan informed the Commission that the HPC by-laws require annual re-adoption. The by-law re-adoption will be added to the next meeting agenda.

Budget Report

Peggy Schummers provided a brief overview of the current fiscal year's budget including expenditures to date and available balances. She also presented on meeting costs as was requested during the last meeting. In answer to a question asked referring to the FY11 budget and the number of meetings budgeted, the request submitted does ask for additional funds for additional meetings (among other things). Additional meetings in the next fiscal year can also be realized through savings if Commissioners volunteer to waive payment of mileage and/or per diem.

Director's Report

Sam presented on the status of the upcoming budget cuts based on the Governor's Executive Order for a reduction plan that has been submitted to DFA. Sam stated that the only real money is in personnel and the building lease and it is too late for a lease adjustment that would net us enough savings to realize the reduced cut. We currently have 2 vacancies with a plan to fill 1 position in December and the other to be filled February or March. The Management Analyst position has been vacant for 3 months, so we have already realized some vacancy savings. Holding these vacancies open will cover the mandated cuts, which amount to \$40,300 or 5% of our current budget. Sam also presented our plan to carry the reductions through the next fiscal year. Options include vacancy savings and/or agency furloughs and moving to a state owned building.

Sam gave a review of Legislative Finance Committee presentation for our FY11 budget request.

There was a request for a white paper/fact sheet about HPC issues and successes that could be used by the Commissioners in discussions with legislators and other entities, including pertinent talking points. It should also include how the cuts have effected the HPC and what the HPC can do for legislators.

Commissioner Brooks stated that the NM Medical Association has passed resolution to endorse the HPC core values, mission and vision statement.

Sam presented on the reports and memorials that have been produced to date. Commissioner Romero would like to see PT's added to GADS. Commissioner Harrison stated that the GADS report requires a lot of interpretation.

Bob Ortiz has been working on a review of various board rules regarding how to become licensed in NM and/or reapply for licensure. What has been found so far is that the problem is the process and not how the statutes and rules are written.

SB302, which is being sponsored by DOH and endorsed by HPC will create another dental level, but different from the ConAlma initiative. We can discuss this bill at the next meeting, and Sam will provide a copy of final draft to Commissioners when we have it.

Sam has begun conversations with Higher Ed and the NM Lottery with an idea to set aside lottery funds from the new lottery game to be given solely for those who would enter college to become an LPN, RN, NP or PA. These scholarships would be made available to older adults who want to return to school in exchange for a commitment to serve in NM.

Presentation by Dolores Roybal and Charlotte Roybal from ConAlma

ConAlma Initiative on Mid-Level Dental Providers

Dolores and Charlotte presented what the organization has done so far toward this initiative. For the most part, ConAlma is still in the planning and research stage. They are conducting meetings around the state to get input and support from the citizens. They have reviewed the Alaska model as they have similar issues to NM. Their partners include the NM Health Resources, NM Voices for Children, Health Action NM and the Primary Care Association. Provided in the hand out is a fact sheet.

Commissioner Brainstorming Session

- Should invite Paul Ritzma to next meeting
- Invite someone from the telehealth alliance to a meeting
- National healthcare workforce commission should be created, then a state level commission
- Schema, UNM recruitment of students, geographical area, ethnicity – are these considered when recruiting.
- Raise the GME cap, limit of trainees paid for by the feds
- Changes to J-1 visa program
- Nursing school instructor, reduce level of degree
- Medicare plus 10, elevate reimbursement rates, advocate for increases to Medicare and Medicaid
- Look into the any willing provider law in TX for possible recommendations for NM
- If Dentists receive any money from state programs, they must accept Medicaid
- Requirements of mid-level supervision via other link i.e. web cam
- Creation of specialty programs i.e. ER PA's
- Research any SBIRT programs. Create sustainability to use as norms
- SB 302
- Lottery and Higher Ed discussion – hard look at where dollars are going
- UNM's admission policy with mid-levels
- What does Workforce Solutions do with training moneys, talk to Jane Batson.

- Position HPC to be helpful and directive regarding federal workforce resources and opportunities
- Taxes i.e. Rural tax credits
- How can we enlarge mid-level providers programs (recruit other people to "start up" St. Francis expansion)
- Advocate to increase Medicaid/Medicare reimbursements at Federal level-may move mid-levels to rural areas
- Nursing
 - need more transparency of funding from Legislature;
 - Educators at BS level;
 - Higher Ed
- Send HJM 40

Set Dates for Future Meetings

Next meeting, January 22, 2010, 10am


March, 26, 2010, 9am

Discussion about being more proactive through sub-committee meetings as main meeting can be somewhat constrictive.

There was discussion on the need to set a policy for those times when it is okay to speak to press as a Commissioner, representing the Commission.

Adjourn at 4:00pm

Approved by:



Dr. Frank Hesse, NMHPC Chair

3/3/2010
Date

Submitted by:
Peggy Schummers

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