

MINUTES OF THE
STATE OF NEW MEXICO
HEALTH POLICY COMMISSION
MEETING

December 1, 2006

FINAL

(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.)

CALL TO ORDER

Chair Lopez called a regular meeting of the State of New Mexico Health Policy Commission (HPC) to order on Friday, December 1, 2006, at approximately 9:14 a.m. at the Health Policy Commission Office, 2055 South Pacheco, Santa Fe, New Mexico.

Members Present

Waldo Anton
Dr. Frank Hesse
Andy R. Lopez
Seferino Montano
Dr. Miles Nelson
Alicia Roman

Members Absent

Moises Morales (*excused*)
Dr. Michael Trujillo (*excused*)

Welcome and Introductions

Dr. Larragoite welcomed everyone to the meeting and the Commissioners introduced themselves. All HPC staff attended.

Approval of Agenda

Dr. Nelson moved for approval of the agenda. Commissioner Anton seconded the motion, which passed by unanimous voice vote.

Approval of Minutes from October 27, 2006 Meeting

Commissioner Montano moved for approval of the October meeting minutes as written. Dr. Nelson seconded the motion, which passed by unanimous voice vote.

BUDGET REVIEW

Lori Quintana presented the Commissioners with budget reports for July – October 2006. She stated the data in the reports are accurate but the general ledger needs a correction. In the SHARE system, there are several steps including requisition, pre-encumber, and then encumber which then turns into an encumbrance. From the encumbrance, payments can be made but because of a slight glitch, that amount is in twice so that before the end of the year a few corrections will have to be made to the general ledger. She added DFA is aware of the problem that is occurring with all state agencies. Another correction, which is being done manually, has to do with exempt positions. Dr. Larragoite commended Ms. Quintana's excellent work with the budget.

STAFF REPORTS

Dr. Larragoite introduced the new IT Data Base Administrator, David Martinez, who has worked with local and state government since 1994 and has extensive knowledge in data collection and maintenance. Dr. Larragoite added the HPC has received 12 applications for the vacant Management position. The screening and interview process will begin on Monday. He is hopeful to fill the position by the end of the year.

Joel Flores reported she is currently working on the Quick Facts 2007 report, consisting of up to date information on the state's health profile, including: health care coverage, health care access and supply, quality of care, children and adolescent health, and hot topics. The report should be completed and available on HPC's website within a couple of weeks and will be presented to the Commissioners at the next commission meeting.

Marietta Esquibel stated she has been working on the consumer guide to managed care report. The HPC is required by statute to produce this report annually. The purpose of the report is to provide useful and accurate information to consumers and assist them in making health care insurance purchasing decisions. The report consists of health plan employer data collected from medical insurance health plans, as well as data from the consumer assessment of health care providers and systems. The report is currently at the printing company with a deadline of December 15, 2006. Ms. Esquibel is also working with Sam Dominguez and David Martinez on the updating the Health Plan Employer Data and Information database and it is planned to have the database posted on HPC's website by January 2007 and provided to the Commissioners at the next meeting.

Elisha Leyba-Tercero, HPC Economist, has been working on updating House Memorial 38, a study on contraceptive insurance coverage and use. Two sections of the law were

enacted in 2001, one required health insurers and health maintenance organizations offering prescription drug benefits to offer coverage for prescriptive contraceptive drugs and devices. Subsequent to the effective date of the law, complaints were received regarding the failure to comply with the law so as a result in 2002 House Joint Memorial 32 was enacted requiring the Department of Insurance to conduct a study of health insurers and determine the level of knowledge and compliance with the law. House Memorial 38 is directly related to the HJM 32 and requires the Department of Insurance to update the 2002 survey to the current level of knowledge and compliance with the law.

HJM 32 also requires HPC to (1) collect and evaluate relevant health studies and determine the benefits of contraceptive use and (2) to coordinate with Department of Health in providing educational materials on availability and access to prescriptive contraceptives. The Department of Insurance's survey was sent to 363 health insurers in the state, but as of November 13, 2006, 287 responses had been received. Of those 287 insurers, the law only applies to 41 because some health insurers are either visual only, dental only, or do not offer prescription drug benefits. All 41 insurers do have knowledge of the law and are in compliance.

HPC's research found that contraceptive insurance coverage is beneficial because it helps reduce unintended pregnancy, ultimately saving money and decreasing abortion. 44% of all pregnancies in New Mexico are unintended; four out of ten result in abortion. To meet the educational requirements of the memorial, the HPC has created a website within its website for public access to the state law. This website provides information on FDA approved contraceptive drugs and devices, their failure rates and associated risks. It also provides list of those insurers that do and do not provide coverage, information on how consumers can file complaints, and state and national links.

This memorial was sponsored by Representative Mimi Stewart. A press conference is scheduled to be held in Albuquerque to roll out the report, making the public aware of it, particularly of the reporting requirements and of the complaint process works. Once the press conference has been scheduled, the date will be provided to Commissioners who are welcome to attend.

The Department of Health's annual report due in December will be provided to the Commission when it is available. This report provides information on pregnancies, unwanted pregnancies, teen pregnancies and abortions.

Kevin McMullen stated he has been working on several projects. A big project coming up within the next few months relates to funding given to HPC last year through SB 415. SB 415 related to solutions for obstetrical injury and the cost of the availability of professional liability insurance for obstetrical providers in the state. The bill focuses primarily on certified nurses and midwives, but also on patient safety and what can be done with respect to insurance.

Mr. McMullen reported that during the next legislative session it is possible the medical malpractice act will be opened because the trial attorneys have gone on record stating

their interest in increasing the malpractice cap figure substantially. Even though the contract is incomplete, the Physicians Survey will be going out in early 2007 to approximately 167 licensed physicians. The survey will focus on malpractice insurance and Medicare reimbursement.

A meeting is scheduled with Representative Park in connection with House Memorial 43 to if the HPC needs to help it move forward. Mr. McMullen has also been involved with the Regional Health Information Organization (RHIO) steering committee and trying to get electronic medical records in place. The first pilot project has been done with the Holy Cross Hospital in Taos.

He has also had some discussion with Board of Nursing about introducing a memorial during the next legislative session. The memorial requires all registered nurses to earn a BSN degree by 2017. He reported the health coverage for New Mexicans committee is looking at three different models of universal coverage, evaluating the consultants that would make that determination, the cost and who would have coverage.

Dr. Hesse moved to have the Commission send a letter to our five legislators urging them to restore health care funding and eliminate potential future decreases and further shortage of physicians and nurses in the state. Dr. Nelson seconded the motion, which passed by unanimous voice vote.

In response to a question by Dr. Nelson, Mr. McMullen explained Senate Memorial 7 created a task force to look at opening up the medical malpractice act. The task force recommended an increase in reimbursements to obstetrical providers through the Medicaid program and recommended the creation of a joint underwriting association. The proposed legislation was introduced in last year's legislative session but was never heard. There was a good size movement on the part of various lobbying groups to make sure that nothing changed in the act. One of the groups opposing opening up the act, the New Mexico Trial Attorneys, wrote a letter to the New Mexico Medical society stating the act was unconstitutional.

Kooch Jacobus provided the Commission with Senator Kennedy's committee priorities for the 110th Congress. She also reported that she is in charge of the HPC Annual report. The HPC is required by statute to produce an annual report outlining the HPC's activities and accomplishments. . The report goes to the Governor and the legislators. Annual reviews are usually pretty small, so she is planning to improve it and get more information out there. She is going to include a part about what the Commission has done. The report is due January 15, 2007.

Dr. Hesse requested that the report include all proposals and recommendations in the history of the Commission, and find out what has happened to all their recommendations.

Irma Montoya, IT Database Administrator I, has been working on the hospital inpatient discharge database (HIDD). She explained the New Mexico Health Information System (HIS) is administered by the New Mexico Health Policy Commission and was established

in 1989 to collect, analyze and disseminate health data and information for the use of public and private entities, health planning and policy development, and to assist consumers to make informed health decisions. The HPC has maintained the HIDD since 1990 and has revised and refined the database several times. Examples of the data analysis received are frequencies on total births, birth injuries to newborns, injuries to mother, delivery complications, and birth misadventures. Due to the confidentiality issue, dates of admission and discharge are not disclosed.

Ms. Montoya also provides training for staff on the collection, management and analysis of the data. Another project she is working on in collaboration with the Department of Health is the e-coding training statewide to certain counties.

Lisa Medina-Lujan, Management Analyst, is presenting working on the collection of HIDD data. There are 52 non-formal hospitals reporting quarterly, each hospital has 90 days after the end of each quarter to report their data. The data for 2004 and 2005 is 100% collected, but the data for 2006 is still trickling in. Ms. Lujan also collects hospital total discharge counts and bed counts for seven federal hospitals. This data is included in the annual HPC Quick Facts publication.

Dr. Larragoite explained that the HIDD project is the collection of inpatient data while most of the consumer complaints are of outpatient services. The HPC does not have statutory authority to collect this data. From the data that is collected, the identity of facilities is not given out; the data is in aggregate form.

In response to a question by Dr. Nelson, Mr. McMullen explained this Commission had drafted and sent a letter requesting a summary of the activities of Lovelace Hospital. A task force was convened, met several times and prepared a report with recommendations. He is hoping to see the report at some time and will provide it to the Commissioners.

Commissioner Montano moved for HPC to recommend an amendment to the statute so that outpatient data would be collected and a report of findings be submitted to either a joint commission or an accredited organization. Dr. Hesse seconded the motion, which passed by unanimous voice vote.

Sam Dominguez, Information Technology Systems Manager, reported he maintains HPC's server that includes the e-mail system, internet access, and various databases. In September, he completed the HPC IT strategic plan. In accordance with this plan a data base administrator, David Martinez, has been hired. Also in accordance with the strategic plan, work has continued with the CIO's office in maintaining compliance with their directives and to keep the HPC involved and up to date with the various initiatives. Recently various agencies within the state were having several sites on the internet blocked that affected their ability to do research. Mr. Dominguez presented a compelling business case as to why we should have additional levels of access and the HPC was granted that.

Mr. Dominguez has regularly attended the scheduled help desk meetings to better support the HPC's day-to-day IT operations. He has also worked with the HIDD team and was recently notified that the contract has finally been approved and should be delivered within the next couple of weeks. The process of HIDD data can now continue and once the contract is received, staff will have a better idea of what is to do with the data. The plan is to bring as much of that in-house as possible to allow for quicker turn around for our customers who need that data available. Part of what we want to do with data collection is to establish VPNs (virtual private networks) with these hospitals which will be completely secure or offer a secured website where they can upload the data.

Mr. Dominguez stated he has also updated HPC's website including identifying and reconnecting broken links. Currently he is working with current New Mexico GIS maps so that the GADS database will have more graphical representation of health work force numbers and distribution in New Mexico.

In response to question by Chair Lopez and Dr. Nelson, Mr. Dominguez stated there was no way to track who was accessing HPC's website, but would be able to track domains and prepare a chart summarizing the information tracked. The last time he checked the website, approximately 50,000 people accessed HPC's website in 2006.

David Martinez reported he has just completed his second week with HPC and has been working on the GADs database for 2004 and 2005. The 2004 and 2005 data was in a series of spreadsheets and has been consolidated into a secured data base container that is not accessible to the public. By consolidating the data, there will be the ability to accurately query and report on the data. Currently the data is in two separate years just for reporting and will be kept that way until we get to the point where the staff is more familiar with using the tool.

Mr. Martinez continued that the website can be accessed and provide information as to how the data is being accessed, reported, maintained, and validated. Both databases currently on the database server can be accessed by the staff for querying and reporting. They are planning on attending training in January for the GIS program where will be able to run and map out counties, senatorial districts, legislative districts, congressional districts, and show where the health providers, doctors, nurses, etc. are. They will also be able to track if these people commute to work, and if so, where they commute from and to, where medical coverage is lacking, where an overabundance of medical coverage is, they can overlay maps, plot in different colors showing maps of the states, regions.

Mr. Martinez reported that he will be work with staff with HIDD data and HETUS as far as methodology for putting on the web. The method used before was very cumbersome, a lot of steps to be taken. By January, they will determine what can be streamlined to develop a better process. He stated that he has extensive knowledge and in the past has built websites for data collection and gathering with the Public Ed. Department. Through secured website or VPN, one can create a tool where a health care provider, hospital, etc. may authenticate themselves. It is known who they are when they log in, they have a password, there is a tool for them to upload the data that validates it at that point so there

is no waiting for diskettes to be mailed in or to be loaded into a database. When that health provider logs into this website and uploads their data, it is accumulated immediately. This will streamline the process and make info more readily available.

Catherine Burton reported that one project she is working on with Kooch Jacobus was revamping the HPC policy and procedure manual that had not been updated since 2000. SPO has come out with new policy and procedure manual and they are formatting the new one to mimic and mirror their set up and structure. A lot of cross-referencing has to be done with statutes and various things so it is a tedious process. The manual is approximately $\frac{3}{4}$ done and when it is completed, they will provide commission with copy.

Don Ortega, Policy Analyst, has been working on the county indigent report. The annual report is created from surveys sent out to counties who participate in county indigent funding. Three counties, Socorro, Harding & Catron County do not formally participate. They receive funding through gross receipts tax mainly but also through general fund transfers and occasionally mill levy funds. When the 22-page survey is sent back he reviews it, check the calculations for inaccuracies and inconsistencies, request any missing information, aside from his verification, there is no audit. The annual report that is mainly divided into three sections, Executive Summary of the report itself, county-by-county review of specific revenues and expenses and anything specific to the county and a section on accumulated data and trend data is then created.

Ramona Lujan, Financial Specialist, reported the business process she takes for HPC is encumbering funds at the beginning of fiscal year for annual expenditures such as leased equipment, monthly services, everything paid to function annually, prepare vouchers for DFA to pay utilities, expenses, maintain the supply room, update and maintain fix asset logs, etc. At this time she is working on archiving old files, using last years file as a guide, and has been attending help desk meetings with Sam which have been very helpful.

In response to a question by Chair Lopez, Dr. Larragoite responded that the HPC does not currently have a capitalization policy on fixed assets, but that is part of the current update to the policy manual. There is a state requirement that fixed assets have to be numbered and inventoried, and approved for disposal. It is a very lengthy process.

SENATE & HOUSE HEALTH COMMITTEE UPDATE

Dr. Larragoite reported one of the proposals this commission prepared in September was a policy recommendation that the legislature consider creating a standing committee for health in both houses. The HPC staff sent out letters to every senator, representative, legislator that holds a leadership position. Verbal comments received via telephone calls requested that they wait until after the election, they also received one letter from Senator Michael Sanchez, and Commissioner Anton met with him last week. A statutory change is not required. A big frustration voiced from the legislative health & human services interim committee, made up of both house and senate members, is that all these pieces of

legislation were recommended but in most cases never went anywhere because the recommendation doesn't carry weight of chair to push it through legislative process.

Dr. Nelson is very interested in being proactive this legislative session but does not feel he understands how to do that or what they should do as a group. Dr. Hesse added as soon as a committee chair is decided they need to strike as quickly as they can. He suggested that they have a special meeting with the speaker on this issue and really push it hard.

Dr. Hesse stated that the HPC should come up with a list of legislators who are more knowledgeable that they can give to speaker of whom they would like to see appointed in house or senate to those committees because the HPC would like to have the more knowledgeable people on health care. They may not use the list. Commissioner Anton would like to see this as a motion due the frustration HPC encounters in dealing with these health problems.

Dr. Hesse moved for staff to create a list of legislators who are more knowledgeable that they can give to the speaker of whom they would like to see appointed in house or senate to specific committees, they would like to have the more knowledgeable people on health care for the standing health committee in both houses. Commissioner Anton seconded the motion which passes unanimously.

Dr. Larragoite provided the Commission with several 2007 legislative proposals endorsed by the HPC and suggested the Commission review the documents. The Health & Human Service Committee lists approximately 59 topics such as: Medicaid waivers, WICHIE, social security assistance for children and infants through CYFD, trauma, tele-health, homelessness, birth defect, increase funding for special needs dentistry, and teen pregnancy to name a few.

Dr. Larragoite reviewed comments by Jeff Haisley from the American Physicians Assurance Corporation regarding the financial soundness of the Patients Compensation Fund. The New Mexico Medical Society's 2007 legislative agenda, "Health Patients and Health Practices", included such topics as: a patient safety act; stopping surgical privileges for optometrists; stopping the expansion of psychology prescriptive privileges; protecting the New Mexico Medical Malpractice Act; amending gross receipts legislation; automatic yearly fee increases for physician Medicaid Services; and pay physicians for their services.

Another legislative proposal entitled "FY 2008 Early Childhood Continuum" includes such topics as: statewide family policy partnership; prenatal, pre-pregnancy and dental services; early intervention services; childcare assistance; Medicaid funding; and infant mental health. UNM's legislative proposal is to revise the Telehealth Act, and the New Mexico Trauma System's legislative proposal is for making an appropriation for trauma system strategic priorities statewide.

The staff members need to know what the commission endorses and what they do not. He passed out a transmittal sheet given to governor's office on proposed legislation from the Governor's Oral Health Council, two of these have been given approval from the governor's office itself, one is feasibility study for a dental school and the other one is to allow hygienists to apply for applications without oversight of the dental assistant.

Dr. Larragoite continued that he highly encourages the commissioners to attend a meeting on 12/21 at the SPO auditorium, where everybody will be able to see what the other agencies are submitting in the form of either appropriations or draft legislation. The meeting is at 9:00 a.m. and will be a good oversight of what every other agency is going to be proposing. This is the first time HPC has been invited.

Dr. Hesse moved to have HPC support the establishment of a dental school because of the inadequate dental care our communities receive by writing a letter of support. Commissioner Anton seconded the motion, which passed by unanimous voice vote.

Ms. Kooch reported that the HPC researched what was needed to start a dental school and found several good programs throughout the county. One in particular in Connecticut has a community dentistry school that is tied into the medical school. In the second year of dental school, the student goes out into the community providing dental services. The start up costs are high, approximately \$395 per square foot or \$50 million, but states offering such programs find that their students stay in the state after graduating rather than moving to another state to practice dentistry.

ADJOURN/NEXT MEETING

Dr. Larragoite stated the next three meetings will be on January 19, 2007, February 16, 2007, and March 16, 2007.

Commissioner Montano moved to adjourn. The meeting adjourned at 12:15 p.m.

Approved by:

Andy R. Lopez, NMHPC Chair

Date

Submitted by:
Michelle Gorman

FINAL

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