

**Meeting of the Board of Medical Assistance Services
600 East Broad Street, Suite 1300
Richmond, Virginia**

September 18, 2012

Minutes

Present:

Joseph W. Boatwright, III, M.D.
Michelle Collins-Robinson
Monroe E. Harris, Jr., D.M.D.
(Chair)
Kay C. Horney
Barbara H. Klear
William L. Murray, Ph.D.
Karen S. Rheuban, M.D.
J. Mott Robertson, Jr. M.D.

Absent:

David B. Darden
Ashley L. Taylor, Jr.

DMAS Staff:

Cheryl J. Roberts, Deputy Director for Operations
Scott Crawford, Deputy Director for Finance
Elizabeth McDonald, Legal Counsel
Paul Kirtz, Internal Audit Director
Daniel Plain, Senior Health Care Services Manager
Peter B. Lubinkas, Manager Customer Services
Craig Markva, Manager, Office of Communications,
Legislation & Administration
Nancy Malczewski, Public Information Officer, Office of
Communications, Legislation & Administration
Mamie White, Public Relations Specialist, Office of
Communications, Legislation & Administration

Speakers:

Cynthia B. Jones, DMAS and VHRI Director
Steven E. Ford, Deputy Director for Administration
Bryan Tomlinson, Director, Health Care Services
John Tabb, Customer Services Supervisor, Program Operations

Guests:

Phil Abraham, Vectre
Rick Meidlinger, Johnson & Johnson
Jean Wright, Johnson & Johnson
Patrick Wallace, McGuire Woods Consulting
Judy Napier, CGI
Hobart Harvey, VHCA
Judy Buchanan, Gilead Health Sciences
Rick Shinn, Virginia Community Healthcare Association
J. Sid del Cardayre, VAN GO, Inc.

Call to Order

Dr. Monroe E. Harris, Chair of the Board, called the meeting to order at 10:06 a.m. after a quorum was met. Dr. Harris recognized and introduced new Board member, Karen S. Rheuban, M.D., and then introductions by other Board members, DMAS staff and members of the public in attendance.

Dr. Harris stated that the Virginia Freedom of Information Act (FOIA), specifically Virginia Code § 2.2-3711, permits a public body such as the BMAS Board, to go into a closed session for any one of the 45 reasons listed in the statute. He stated the discussion in the closed session must be limited to the specific issue and no final action would be taken in the closed session. Dr. Harris proposed that the Board vote to go into closed session to consult with legal counsel whether attorney/client information that was provided pursuant to questions posed by the Board at the April 2012 meeting should be included in the April 2012 minutes. Dr. Robertson so moved and Dr. Murray seconded. The vote was unanimous. **8-yes (Boatwright, Collins-Robinson, Harris, Horney, Klear, Murray, Rheuban, and Robertson; 0-no.)**

Dr. Harris then asked the Board members, Director and Board Secretary to withdraw to another room for the closed session.

Following the closed session, the Board members re-assembled in the Board Room. Dr. Harris made a motion that only the public business matters lawfully exempted from open meeting requirements of the Virginia Code § 2.2-3711 and only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the meeting by the public body. Dr. Murray seconded. The vote was unanimous: **8-yes (Boatwright, Collins-Robinson, Harris, Horney, Klear, Murray, Rheuban, and Robertson; 0-no.)**

Dr. Murray made a motion that the April minutes be amended in accordance with advice of counsel. Ms. Klear seconded. The vote was: **7-yes (Boatwright, Collins-Robinson, Harris, Horney, Klear, Murray, and Rheuban; 1-no (Robertson).**

Approval of Minutes from June 12, 2012 Meeting

Dr. Harris asked that the Board review and approve the Minutes from the June 12, 2012 meeting. Dr. Murray made a motion to accept the minutes and Ms. Klear seconded. The vote was unanimous: **8-yes (Boatwright, Collins-Robinson, Harris, Horney, Klear, Murray, Rheuban, and Robertson; 0-no.)**

DIRECTOR'S REPORT AND STATUS OF KEY PROJECTS

Ms. Jones noted a decision had been reached by the Supreme Court on the constitutionality of different aspects of the Affordable Care Act. One significant outcome was that the Medicaid expansion is now optional. Ms. Jones stated that currently there is no authority to implement the expansion without explicit policy direction and appropriation from the Governor and General Assembly.

Ms. Jones commented that the 2012 BMAS Biennial Report will be forwarded for final approval to the Secretary of Health and Human Resources and then forwarded to Division of Legislative Automated Systems (DLAS) for publication. Dr. Robertson commented that the report was quite thorough and made a motion that the Board accept the report as written. Dr. Murray seconded.

The vote was unanimous: **8-yes (Boatwright, Collins-Robinson, Harris, Horney, Klear, Murray, Rheuban, and Robertson; 0-no.)**

Ms. Jones briefly discussed the letter from the Governor regarding the performance audit conducted by CGI.

Ms. Jones stated that one month before the next meeting, staff would poll Board members for agenda items.

IMPACT OF SCOTUS ON MEDICAID

Steven E. Ford, Deputy Director for Administration, provided an overview of federal reform as it relates to Medicaid as determined by the recent Supreme Court decision. Regarding eligibility issues, Mr. Ford briefly explained that regardless of Virginia's decision surrounding any potential Medicaid expansion, many eligibility 'reforms' remain mandatory for Virginia such as the use of Modified Adjusted Gross Income (MAGI) to determine eligibility; development of a new Eligibility and Enrollment system; and continuation of the Maintenance of Eligibility (MOE) which has been a requirement since 2008. Mr. Ford provided highlights of substantial payment/provider reforms that remain a significant concern to DMAS under PPACA including (but not limited to) mandated reductions in federal Disproportionate Share Hospital (DSH) payment under Medicaid; mandated increase (to Medicare levels) for Primary Care Physician Services in Medicaid; and significant federal changes and state administrative complexity in Medicaid provider screening, enrollment and termination requirements. Mr. Ford noted that without additional federal guidance, it is not clear what the true impact will be.

STATEWIDE MANAGED CARE DELIVERY SYSTEM – FAR SOUTHWEST VIRGINIA EXPANSION

Bryan Tomlinson, Director of Health Care Services, provided an overview of the history of the expansion of managed care across the Commonwealth. This was completed statewide with the expansion to far Southwest Virginia on July 1, 2012. Currently, there are six managed care health plans (Amerigroup Community Care, Anthem HealthKeepers Plus, CareNet/Coventry, MajestaCare, Optima Family Care, and Virginia Premier Health Care) serving approximately 700,000 members which represents about 70% of the Medicaid population.

ELECTRONIC HEALTH RECORDS

John Tabb, Customer Services Manager, Program Operations, provided a progress report on the incentive payments awarded for adoption and meaningful use of Health Information Technology (HIT) and qualified Electronic Health Records (EHR) to the provider community for eligible professional (EP) and eligible hospitals (EH) since August 1, 2012. Next steps include

continuing to monitor contractors' performance; preparing messaging, training and educational tools around meaningful use; and beginning post-payment auditing internally.

OLD BUSINESS

Update on Newborn Enrollment

Mr. Ford reported that efforts were still underway to pilot a new hospital process using the DMAS 213 form for a few months to enroll deemed eligible newborns utilizing a centralized enrollment process. There will be a 100% quality assurance check to insure there is no potential for duplicate enrollments in MMIS and identify any other potential concerns. Another update will be provided at the December meeting.

Regulatory Activity Summary

The Regulatory Activity Summary is included in the Members' books to review at their convenience.

New Business

Ms. Klear made a motion that the Board go on record to support the Commonwealth accepting the Medicaid expansion. Ms. Horney seconded. The vote was: **6-yes (Boatwright, Collins-Robinson, Harris, Horney, Klear, and Rheuban; 0-no.)**

Adjournment

Dr. Harris mentioned Michael Walker's term ended and thanked him for his service on the Board. Dr. Harris thanked everyone for attending, announced the next meeting will be December 4, and adjourned the meeting at noon.