

**MINUTES**  
**CMSP GOVERNING BOARD**  
**EXECUTIVE COMMITTEE**  
Thursday, March 26, 2020

**HELD VIA WEBEX**

**MEMBERS PRESENT**

Birgitta Corsello, County Administrator, Solano County  
Brad Wagenknecht, County Supervisor, Napa County  
Christine Zoppi, Health Director, Glenn County  
Elizabeth Kelly, Director, Colusa County Human Services

**Opening of Meeting**

**Request for Public Comments**

Brad Wagenknecht, Executive Committee Chair, asked Alison Kellen, Program Manager, to report on the submission of public comments. Ms. Kellen reported that no public comments had been submitted to the CMSP email address ([ask@cmspcounties.org](mailto:ask@cmspcounties.org)). She additionally stated that the public may submit questions to this email address until 11:00 a.m. on March 26, 2020. Chris Salmon, IT Manager, reported that there were no members of the public on the published conference call line.

**Welcoming Remarks**

Brad Wagenknecht, Board Chair, introduced himself and Executive Committee members reported their participation on the WebEx.

**1. Local Indigent Care Needs (LICN) Grant Program**

a) LICN Implementation Program Grant Recommendations

Anna Allard, Grants Manager, reported that the Governing Board approved funding for five (5) LICN Implementation Program Grant Applications in Round 1 of the program at the Board's February 2020 meeting. At that same meeting, the Board also approved remediation for seven (7) Implementation Program Grant Applications. Ms. Allard reported on the status of remediation discussions with the seven applicants.

To aid in the remediation process, Ms. Allard stated that CMSP staff provided each applicant with the CMSP Review Panel's comments, held a teleconference with each applicant's staff to further discuss their proposal idea and to provide feedback, and answered questions about the remediation process.

Ms. Allard stated that one applicant (Humboldt County) chose to receive a Planning Project grant and did not participate in the remediation process; and, a second applicant

(Kings County Department of Public Health) chose not to remediate or receive a Planning Project grant, but intends to resubmit their revised proposal in a subsequent LICN funding round.

Ms. Allard stated that five (5) applicants chose to remediate and resubmit their applications. The five applications that were resubmitted were re-scored by two CMSP staff and the Policy and Planning Consultant, and the tallied scores were reviewed and discussed with the Administrative Officer. Based upon the findings, CMSP staff recommended that the Executive Committee take the following actions:

- Approve funding for four (4) remediated Implementation Program proposals (County of Marin DHHS, Shasta County HHSA Adult Services, Sonoma County Department of Health Services, and Yuba County HHSA) and authorize the Administrative Officer to execute Agreements with the recommended grantees.
- Do not approve funding for one (1) Implementation Program proposal (Solano County Office of Education) because the proposal failed to meet the minimum scoring requirements; and, provide applicant the option of receiving a Planning Grant or re-submitting an Implementation Program application in Round 2.

MSC: Approve the Staff recommendation for the LICN Implementation Program grant applications.

AYE	4
NO	0

b) LICN Planning Project Grant Recommendations

Ms. Allard reported that the Governing Board approved funding for sixteen (16) LICN Planning Project Grant Applications in Round 1 of the program at the February 2020 Board meeting. However, the Board deferred on taking action on two (2) Planning Project applications due to an insufficient quorum and the need to avoid a potential conflict of interest by one (1) Board member.

Ms. Allard stated that CMSP staff recommended the Executive Committee approve the two Planning Project Grant Applications, both of which were submitted by Glenn County agencies: Community Action Department; and, County Health and Human Services Department.

MSC: Approve the Staff recommendation for the LICN Planning Project grant applications.

AYE	3
NO	0
ABSTAIN	1 (Christine Zoppi)

## 2. COVID-19 Emergency

Kari Brownstein, Administrative Officer, reported that a variety of activities have been taken or are underway due to the current COVID-19 Emergency.

### a) Enrollment and Benefit Updates

Ms. Brownstein stated that several CMSP and Path to Health enrollment and benefit updates have been implemented or are in the process of being implemented. These include the following:

- Enrollment Period: In line with Governor Newsom's Executive Order 29-20 requiring redetermination of benefits be suspended for 90 days for certain state programs (including Medi-Cal), CMSP staff have worked with the C-IV, CalWIN and Alluma eligibility systems to put in place the same directive for CMSP and Path to Health members.
- Telephonic Signature: In the interest of shelter in place and social distancing, CMSP staff has implemented a telephonic signature process for Path to Health member enrollment so they do not need to physically go into a clinic to apply for Path to Health. This process is already available for CMSP members.
- Medical Benefits: Although CMSP is not regulated by the Department of Managed Care, CMSP added COVID-19 diagnostic procedure codes and provider office, urgent care center and emergency room visits at no cost to CMSP and Path to Health members at contracted and non-contracted providers within California. This action aligns with actions required of all commercial and Medi-Cal health plans by the Department of Managed Health Care. Staff is exploring telehealth reimbursement options.
- Pharmacy Benefits: In early March, CMSP staff commenced pharmacy emergency procedures with MedImpact Health Systems, CMSP's Pharmacy Benefit Manager, which include overrides for refill limit (up to 90 days), prior authorization, refill too soon, accumulated quantity and step therapy.

Ms. Brownstein asked the Executive Committee to approve the CMSP and Path to Health enrollment and benefit updates that were initiated due to COVID-19.

MSC: Approve the CMSP and Path to Health Enrollment and Benefit updates approved by the Administrative Officer.

AYE	4
NO	0

b) COVID-19 Resolution

Ms. Brownstein reported that California Governor Gavin Newsom declared a State of Emergency on March 4, 2020, to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19.

Since the State of Emergency was declared, CMSP staff made preparations to work remotely and began working remotely on March 17. In addition, the previously reported enrollment and benefit updates were made for CMSP and Path to Health members.

In order to ensure that actions can be taken in a timely and effective manner pertaining to COVID-19 matters, Ms. Brownstein asked the Board to consider a resolution drafted by the CMSP General Counsel that would empower the Administrative Officer with specified authority to take actions related to the COVID-19 outbreak. Cathy Salenko, CMSP General Counsel, presented the resolution to the Committee.

Discussion among Committee members ensued. Discussion touched on the resolution. It also touched on the role the Governing Board could play to assist counties with their emergency response to COVID-19 and the potential for quickly implementing a grant program, similar to the CMSP Wellness & Prevention grant, to support CMSP counties with their response. The Executive Committee, by consensus, directed the Administrative Officer to prepare recommendations for providing funding to CMSP counties for COVID-19 emergency preparedness and response. They asked that this recommendation be prepared for consideration by the Executive Committee and/or Governing Board as soon as possible.

MSC: Approve the proposed COVID-19 Resolution, with an amendment that requires the Administrative Officer to consult with the Chair of the Governing Board when making decisions pertaining to COVID-19 (see attached).

AYE	4
NO	0

Within the context of the Committee's desire that the Governing Board assist CMSP counties in their response to the COVID-19 emergency, the Committee asked that a telephonic meeting of the Executive Committee or Governing Board be set as soon as possible to consider options for providing this type of assistance. Ms. Brownstein identified a date of April 2, 2020 (10:30 a.m.) as a possible telephonic meeting date and the Committee concurred. Ms. Brownstein stated that she would work with the Chair and CMSP staff to set the date and make preparations for the meeting.

Mr. Wagenknecht asked if any public comments had been received and Ms. Kellen reported no comments had been submitted. The meeting was adjourned.

**COUNTY MEDICAL SERVICES PROGRAM GOVERNING BOARD  
EXECUTIVE COMMITTEE**

**RESOLUTION 2020-1**

**RESOLUTION EMPOWERING THE ADMINISTRATIVE OFFICER  
WITH THE AUTHORITY TO TAKE ACTIONS  
RELATED TO THE OUTBREAK OF CORONAVIRUS (“COVID-19”)**

WHEREAS, the County Medical Services Program (the “Program”) provides health care coverage to low-income adults in 35 rural and semi-rural counties; and

WHEREAS, the County Medical Services Program Governing Board (“Governing Board”) provides policy direction for the Program and, as part of its responsibility, the Governing Board sets beneficiary eligibility requirements, determines the scope of covered health care benefits, establishes the payment rates paid to health care providers participating in the Program, and approves the establishment of Pilot Projects such as Path to Health; and

WHEREAS, the federal Centers for Disease Control and Prevention (“CDC”) has confirmed thousands of cases of individuals who have severe respiratory illness caused by a novel coronavirus, called COVID-19, as well as deaths caused by this illness; and

WHEREAS, the World Health Organization declared COVID-19 a public health emergency of international concern, and the CDC announced that community spread of COVID-19 is likely to occur in the United States; and

WHEREAS, on March 4, 2020, California Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 12, Governor Newsom issued Executive Order N-25-20, ordering all residents to heed the orders and guidance of state and local public health officials; and

WHEREAS, Executive Order N-25-20 declares that the cancellation of public assemblies, conferences or other mass events is not the fault or responsibility of the parties involved and is therefore a force majeure event; and

WHEREAS, on March 15, 2020, the CDC recommended the cancellation or postponement of all in person gatherings of fifty (50) or more people throughout the United States, and that events of any size should only be continued to if they can be carried out with adherence to guidelines for protecting vulnerable populations, hand hygiene and social distancing; and

WHEREAS, also on March 15, 2020, Governor Newsom issued new guidelines Statewide calling for home isolation of everyone in California over the age of 65 and with

chronic diseases, and also called for the closure of all bars, wineries, nightclubs, brew publics, and called for social distancing in restaurants; and

WHEREAS, on March 16, 2020, seven counties in California ordered residents to “shelter at home” through April 7, 2020 in order to prevent the further spread of the disease, and additional counties have issued similar orders; and

WHEREAS, the increase of reported cases and deaths associated with COVID-19 has also prompted the County of Sacramento Department of Public Health to proclaim a local health emergency, and additional California counties has similarly acted; and

WHEREAS, also on March 19, Governor Newsom issued Executive Order N-33-20, directing all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, to protect the health and well-being of all Californians; and

WHEREAS, COVID-19 can be spread easily through person-to-person contact, and the risk of transmission is increased when people are in close proximity; and

WHEREAS, the imminent and proximate threat of introduction of COVID-19 in Governing Board staff workplaces threatens the safety and health of Governing Board personnel; and

WHEREAS, California Welfare and Institutions Code section 16809(a) provides that the Governing Board shall govern the Program; and.

WHEREAS, under Article VI of the Governing Board Amended and Restated Bylaws (“Bylaws”), the Governing Board Administrative Officer (“Administrative Officer”) is responsible for supervising, directing and administering the Governing Board's activities and affairs, including oversight of all Governing Board assets and accounts and employing such other staff members as necessary to accomplish the Governing Board's activities and affairs, consistent with the annual budget, personnel rules and Governing Board policies and directives; and

WHEREAS, under Article V, Section 1.A.1 of the Bylaws, the Executive Committee of the Governing Board (“Executive Committee”) shall have the power and authority as determined by the Governing Board, subject to the limitations imposed on such power and authority by law or the Bylaws, and, specifically under Article V, Section 1.A.2 of the Bylaws, the Executive Committee shall have the power and authority to act for the Governing Board in matters specifically delegated by the Governing Board, in matters in which the Governing Board's position on pending legislation is necessary to both meet an urgent timeframe and further the best interests of the Governing Board and the Program, and in matters in which the Governing Board's position on anticipated or pending litigation is necessary to both meet an urgent timeframe and further the best interests of the Governing Board and the Program, provided that all action taken by the Executive Committee shall be consistent with the mission and adopted policies of the Governing Board; and

WHEREAS, the Executive Committee seeks to take action as necessary and reasonable to both meet an urgent timeframe in light of the many governmental orders and directives and

further the best interests of the Governing Board and the Program, including but not limited to empowering the Administrative Officer to take measures to prevent the spread of COVID-19, preserve Governing Board activities and protect the health and safety of its beneficiaries, members, staff and contracted health care providers.

NOW, THEREFORE, the Executive Committee of the County Medical Services Program Governing Board does hereby resolve that:

1. The Administrative Officer is hereby authorized to furnish information, to enter into agreements, make and implement personnel or other decisions and to take all actions necessary to obtain State and other assistance to implement preventive measures and other actions necessary to preserve Governing Board activities and protect the health of Governing Board beneficiaries, members of the Governing Board (“Board Members”), staff and contracting health care providers, including but not limited to the following:

A. Arrange alternate “telework” accommodations to allow Governing Board staff to work from home or remotely, as deemed necessary by the Administrative Officer, in order to limit the transfer of the disease.

B. Help alleviate hardship suffered by Governing Board staff related to emergency conditions associated with the continued spread of the disease such as acting on near-term policies relating to sick leave for Governing Board staff most vulnerable to a severe case of COVID-19.

C. Address and implement expectations issued by the State of California (“State”), the California Department of Public Health (“CDPH”), the California Department of Health Care Services (“DHCS”), and the Centers for Medicare & Medicaid and Medical Services (“CMS”), and other governmental agencies regarding new obligations to combat the pandemic.

D. Coordinate with Governing Board staff to realign job duties, priorities, and new or revised obligations issued by State, CDPH, DHCS, CMS and other governmental agencies.

E. Take such action as reasonable and necessary under the circumstances to ensure the continued provision of services to beneficiaries while prioritizing the Governing Board’s obligations.

F. Enter in to such agreements on behalf of the Governing Board as necessary or desirable, with advice of legal counsel, to carry out all actions authorized by the Governing Board in this Resolution.

G. Authorizes the Administrative Officer to implement and take such action on behalf of the Governing Board as the Administrative Officer may determine to be necessary or desirable, in consultation with the Governing Board Chair and with advice of legal counsel, to carry out all actions authorized by the Governing Board in this Resolution.

This Resolution shall be effective immediately and shall remain in effect until such time as the Governing Board takes action on the matters contained in this Resolution at a duly noticed meeting at which a quorum is present and acting throughout.

The foregoing resolution was approved this 26th day of March, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

EXECUTIVE COMMITTEE OF THE  
COUNTY MEDICAL SERVICES  
PROGRAM GOVERNING BOARD

By: 

Brad Wagenknect, Chair

Date: March 26, 2020