

**Adequate Health Care Task Force
Meeting Minutes
Monday, August 1, 2005
1:30 PM – 4:30 PM**

Illinois Public Act 93-0973, formerly House Bill 2268, creates the Health Care Justice Act and encourages the State of Illinois to implement a health care plan that provides access to a full range of preventive, acute, and long-term health care services; maintains and improves the quality of health care services offered to Illinois residents, and meets other criteria. The Illinois Department of Public Health (IDPH) is required, subject to an appropriation or availability of other funds, to enter into a contract with an "independent research entity" experienced in assessing health care reforms, financing, and care delivery models. The provisions of this legislation establish an "Adequate Health Care Task Force" with 29 voting members: five to be appointed by the Governor, and six appointments made by each of the four leaders of the General assembly (the Speaker of the House and the House Minority Leader, and the President of the Senate and the Senate Minority Leader). The Directors of the Departments of Public Health, Public Aid, Aging, and Insurance, along with the Secretary of the Department of Human Services, are to be invited to meetings of the "Adequate Health Care Task Force," but are not included in the Task Force's membership. The Department of Public Health is required to be "the primary agency in providing administrative support" to the Task Force.

This legislation provides for public hearings in each Illinois Congressional District, and a website detailing the work of the Task Force, accessible through the Governor's internet home page, is to be established and maintained. Printed copies of Task Force information are to be made available for persons who lack access to the Internet website. A Task Force report, detailing recommendations for a health care access plan as specified within the legislation, is to be submitted to the General Assembly by March 15, 2006. The bill encourages the General Assembly to consider legislation enacting the Task Force recommendations by December 31, 2006. The Act took effect July 1, 2004.

Task Force Members in Attendance: Catherine Bresler, Timothy Carrigan, Jan Daker, Margaret Davis, Jim Duffett, Robyn Gabel, David Koehler, Dr. Wayne Lerner, Dr. Niva Lubin-Johnson, Sen. Iris T. Martinez, Pamela Mitroff, James Moore, Michael Murphy, Dr. Joseph Orthofer, Tracey Printen, Kenneth Robbins, Joseph Roberts, Ruth Rothstein, Kenneth Smithmier

Task Force Member Proxies: John Garven (Gregory Smith), Jorge Ramirez (Kenneth Boyd), Margie Schapps (Dr. Quentin Young), James Whitehead (Dr. Anthony Barbato)

Regrets (Task Force Members): Dr. Craig Backs, Rep. Elizabeth Coulson, Dr. Arthur G. Jones, Colleen Kannaday, Sen. Donne E. Trotter

State Agency Representatives: Michele Piel (Illinois Department on Aging), Ralph Schubert (Illinois Department of Human Services), Dr. Eric E. Whitaker (Illinois Department of Public Health)

Illinois Department of Public Health Staff: David Carvalho, Mike Jones, Danielle Powers, Marilyn Thomas, Ashley Walter

The first meeting of the Adequate Health Care Task Force (AHCTF) was called to order at approximately 1:30pm by Dr. Eric E. Whitaker, Illinois Department of Public Health. After calling the meeting to order, Dr. Whitaker stressed the importance of the work to be undertaken by the Task Force and thanked Task Force members for participation.

Members of the Task Force, proxies for Task Force members, and state agency representatives then introduced themselves.

David Carvalho, Deputy Director of the Office of Policy, Planning and Statistics, acted as Chair of the meeting until the official Chair was elected. David Carvalho began the meeting by outlining the agenda for the meeting and explaining the process for electing the Chair. He explained that both a Chair and a Vice Chair were to be elected (separately) per the Health Care Justice Act. He suggested that the Task Force elect a Chair and let this new Chair preside over the rest of the meeting.

Michael Murphy nominated Dr. Wayne Lerner for Chair. Dr. Lerner accepted his nomination. Margaret Davis nominated Jim Duffett for Chair. Jim Duffett declined her nomination. The Task Force then voted on Dr. Lerner for Chair. The vote was as follows – 18 in favor, 0 opposed, and 1 abstained (Dr. Lerner).

David Carvalho proceeded by explaining the bylaws with respect to the election of a Vice Chair. In the draft bylaws, it is stated that the Chair and Vice Chair cannot have been appointed by the same appointing authority. Robyn Gabel then asked the Task Force who appointed Dr. Lerner. Dr. Lerner was appointed by the Minority Leader of the Senate.

David Carvalho suggested that the Task Force review, amend (as decided by the Task Force), and adopt bylaws before proceeding. A discussion regarding the Open Meetings Act (Section 2-4) ensued. David Carvalho explained that all meetings, including those of committees that may be created, are subject to the Open Meetings Act. That is, all meetings must have proper notice posted and be open to the public unless the meeting qualifies as an exception (which is very rare) per the Open Meetings Act.

Joseph Roberts requested that the Task Force consider that the Chair and Vice Chair be allowed to be from the same appointing authority. Margaret Davis argued against this proposition stressing the importance of keeping the process nonpartisan. Dr. Joseph Orthoefer agreed with Margaret Davis, stating that allowing the Chair and the Vice Chair to be from the same appointing authority would give the impression that this process is not bipartisan, when in fact it is. Jim Duffett also agreed with Margaret Davis and Dr. Orthoefer, arguing that having the Chair and the Vice Chair from the same appointing authority was not the spirit of the legislation. Catherine Bresler stated that she agreed with Joseph Roberts. Joseph Roberts motioned to strike the third sentence of Section 3-1 of the draft bylaws, "The Chair and Vice Chair shall not be appointees of the same Appointing Authority." The motion was seconded by Michael Murphy. The vote was as follows – 6 in favor, 11 opposed, and 1 abstained (Dr. Lerner).

David Koehler proposed to strike the second bracket of Section 1-4 of the draft bylaws, "There shall be no alternates permitted for absent Task Force members." Kenneth Robbins argued that allowing surrogates to attend meetings for Task Force members would allow for inconsistent representation. Michael Murphy stated that he had the same concern. He argued that the Task Force would be partaking in detailed discussions, which makes consistency very important. Dr. Orthoefer argued that the proposal would make it okay for Task Force members to send surrogates. Jorge Ramirez argued that it is important to be able to send surrogates when the Task Force member cannot attend the meeting to ensure that the Task Force member is kept abreast of the discussions and decisions of the Task Force and to offer his/her organization's vantage point, when appropriate, for consideration by the Task Force. Catherine Bresler said that she liked the idea of surrogates, but understood the need for consistency. She proposed limiting the number of surrogates each Task Force member could have by making each Task Force member name his/her surrogate. Dr. Lerner then summarized the discussion. Dr. Orthoefer pointed out that one-third of the members were already not attending meetings. Pamela Mitroff stressed the importance of being allowed to send a surrogate and asked the Task Force to remember that some of the Task Force members owned their own businesses, which makes it difficult for them to attend meetings. David Koehler motioned to strike the second bracket of Section 1-4 of the draft bylaws. Michael Murphy seconded the motion. The vote was as follows – 15 in favor, 2 opposed, and 1 abstained.

Kenneth Robbins motioned to strike the second sentence of Section 2-1 of the draft bylaws, "Regular meetings shall alternate between Chicago and Springfield." He argued that the Task Force should decide where to hold meetings based on costs and the location of Task Force members. Dr. Niva Lubin-Johnson seconded the motion. The vote was as follows – 15 in favor, 2 opposed, and 1 abstained.

Dr. Lubin-Johnson motioned to include the bracketed sentence in Section 2-2 of the draft bylaws, "Additional meetings may be called by the Chair [or by request of eight members of the Task Force], in accordance with the Open Meetings Act." David Koehler seconded the motion. There was discussion regarding the length of notice that should be required and what is required per the Open Meetings Act (OMA). The OMA requires that notice of and agendas for special meetings be posted 48 hours in advance. Changes to regularly scheduled meetings must be posted 10 days in advance. David Koehler asked Dr. Lubin-Johnson to consider a friendly amendment to change the word "Additional" to "Special". Dr. Lubin-Johnson accepted David Koehler's friendly amendment. David Koehler also asked Dr. Lubin-Johnson to consider a friendly amendment to require 10 days notice for special meetings. Dr. Lubin-Johnson declined David Koehler's friendly amendment. David Koehler seconded the motion. The vote was as follows – 13 in favor, 4 opposed, and 1 abstained.

David Koehler motioned that Section 2-2 of the draft bylaws be amended to require 10 days notice for special meetings to Task Force members. The motion was seconded. Catherine Bresler asked if this was consistent with the Open Meetings Act. David Carvalho said it was more stringent than what is required by the Open Meetings Act and therefore would be an acceptable amendment. The vote was as follows – 16 in favor, 0 opposed, and 2 abstained.

Pamela Mitroff motioned to strike the first bracket of Section 5-2 of the draft bylaws, "Section 5-2. The Chair of each committee shall be a Task Force member, appointed upon a passing vote of 15 Task Force members. [Committees shall have equal representation from among members appointed by each Appointing Authority. Each member of the Committee shall be elected by the majority vote of the members appointed by the corresponding Appointing Authority.] *or* [The Committee Chair shall be responsible for selecting the members of the committee with the advice of the other members of the Task Force.] [Persons who are not members of the Task Force may serve as adjunct, non-voting members of a Committee, appointed by the Committee Chair.]. The motion was seconded. The vote was as follows – 13 in favor, 0 opposed, and 5 abstained.

Dr. Lubin-Johnson motioned to include the last bracket of Section 5-2 of the draft bylaws, "Section 5-2. The Chair of each committee shall be a Task Force member, appointed upon a passing vote of 15 Task Force members. [Committees shall have equal representation from among members appointed by each Appointing Authority. Each member of the Committee shall be elected by the majority vote of the members appointed by the corresponding Appointing Authority.] *or* [The Committee Chair shall be responsible for selecting the members of the committee with the advice of the other members of the Task Force.] [Persons who are not members of the Task Force may serve as adjunct, non-voting members of a Committee, appointed by the Committee Chair.]. The motion was seconded. The vote was as follows – 18 in favor, 0 opposed, and 0 abstained.

In regards to Section 5-7 of the draft bylaws, "Each committee member shall have one vote on each motion. All motions shall be passed by a majority vote of the members present." It was asked if surrogates could vote. David Carvalho replied that Section 1-4 of the draft bylaws does not permit surrogates to vote.

Michael Murphy suggested that given the enormity of the task presented to the Task Force, the final plan should be approved by a consensus greater than a simple majority. He motioned that the final recommendations of the Task Force be approved by a super-majority, defined as 2/3 of members present. Catherine Bresler seconded the motion. Margaret Davis suggested that the Task Force adopt a Supreme Court-style voting methodology that would allow members to have a minority opinion. David Carvalho asked the Task Force members to consider how the definition of majority could affect how the plan would be viewed by the General Assembly, as well as how the agreed upon definition of majority could create the potential for a minority to block any recommendations. Kenneth Robbins agreed

that the way majority is defined will influence the General Assembly's impression of the plan. He proposed a friendly amendment to define majority as 3/5 of members present. Michael Murphy accepted his friendly amendment. Dr. Orthoefer and Robyn Gabel argued that such a definition of majority could allow the entire Task Force to be "held hostage" by a minority. Jim Duffett agreed, adding that a simple majority should rule and that the Task Force needs to be committed to moving the process forward. The vote was as follows – 8 in favor, 9 opposed, and 1 abstained (David Koehler).

A motion was made to accept the bylaws as amended. Dr. Lubin-Johnson seconded the motion. The vote was as follows – 19 in favor, 0 opposed, and 0 abstained.

After the bylaws were amended and adopted, the Task Force members elected a Vice Chair. Michael Murphy nominated Joseph Roberts (accepted). James Moore nominated David Koehler (accepted); Margaret Davis nominated Dr. Lubin-Johnson (respectfully declined); and Robyn Gabel nominated Ruth Rothstein (accepted, then withdrew). The vote was as follows – 8 in favor of Joseph Roberts, 10 in favor of David Koehler.

David Carvalho asked members to keep track of their time working on Task Force business on the provided timesheets. Further guidance regarding timekeeping is forthcoming.

Following the election of the Vice Chair, Marilyn Thomas, Illinois Department of Public Health Acting Chief Counsel, presented information on ethics and OMA to the Task Force. The draft budget was then reviewed and the assumptions of the budget were outlined. There were several questions regarding the attendance of the Task Force members at the public hearings as well as the timing of the public hearings. It was determined that the Steering Committee would address these issues and make recommendations to the Task Force at the next meeting. There were also questions regarding staffing the implementation of the Health Care Justice Act, as well as how the hiring of the research entity required by the Health Care Justice Act would be handled. David Carvalho informed the Task Force members that IDPH would be the entity hiring and supervising staff, as well as be responsible for selecting (with input from the Task Force) and contracting with the research entity. The topics of committees, meeting schedule, and public hearings were also deferred to the Steering Committee, which will discuss these issues and make recommendations to the Task Force at the next meeting.

Pamela Mitroff asked David Carvalho if members of the Task Force would be held liable for not meeting dates outlined in the legislation, and wanted to know if the Task Force needed to have the statute amended to reflect delays in funding. David Carvalho responded that the Task Force is not held liable and that the General Assembly would understand the delay as it was the General Assembly which passed the legislation with no appropriation. David Carvalho also noted that it is the Illinois Department of Public Health that might be admonished by the Auditor General if an audit occurs. David Carvalho may receive inquiries regarding the delay in the actual process with respect to the time line outlined in the legislation and that all he would have to do is write and submit a response explaining that the statute was not given an appropriation until almost a year later. Dr. Lerner suggested that the Task Force not concern itself with this issue and let the Illinois Department of Public Health staff handle the matter.

Margaret Davis motioned to establish a Steering Committee. David Koehler seconded the motion. The vote was as follows – 18 in favor, 0 opposed, and 0 abstained. The Chair and Vice Chair are automatically members of the Steering Committee per the adopted bylaws. Additionally, the remaining three Steering Committee members must all be appointed by different authorities than each other, the Chair, and the Vice Chair. Members of the Task Force broke out by appointing authority and those who still had nominations to make to the Steering Committee did so. The result was as follows – Ruth Rothstein (appointed by the Governor), Robyn Gabel (appointed by the President of the Senate), and Joseph Roberts (appointed by the Minority Leader of the House).

As the meeting came to a close, it was determined that the next Task Force meeting would take place in mid-September. Kenneth Smithmier requested that the meetings be scheduled to begin in the mid-morning so that those

having to travel to the meeting could avoid traffic. It was also decided that the Steering Committee would meet in mid-August.

The meeting was adjourned at approximately 4:30 PM.

Action: IDPH staff will prepare meeting minutes and amended bylaws, as well as follow-up with Task Force members regarding guidance on timekeeping and reimbursement for travel expenses. The Steering Committee will meet and develop proposals for the Task Force's consideration regarding a time line for the project; a meeting schedule for the Task Force; the structure, locations, and schedule for the public hearings; ad hoc committees; and technical assistance. All Task Force members are to send Ashley Walter, IDPH, any scheduling conflicts for the weeks of September 12th and September 19th.

Next Meeting:

Members agreed that the Steering Committee would meet in August with the specific date, time, and location to be determined. Based on member availability, the Steering Committee will determine a date and time for the next Task Force meeting to be held during the week of September 12th or 19th.