

LMBC Meeting Minutes

June 14, 2016

Bull Run Conference Room, 5th Floor, Portland Building
Attendance

LMBC Members present

Alan Ferschweiler
Mark Gipson
David Rhys
Craig Morgan
Amy Bowles
Suzanne Kahn
Jon Uto
Dawn Martin
Jay Guo
Jamie Burrows

Staff

Cathy Bless
Vicki Arch
Larry Nelson

Other attendees

Anne Thompson (Aon)
Isaac McLennan (PFFA)
Elliot Levin (PTE 17)
Claudio Campuzano (CBO)
Katie Shifley (CBO)

LMBC members absent

Deborah Sievert-Morris
Amy Archer
Betsy Ames
Stephanie Babb

1. Call to Order: Alan Ferschweiler called the meeting to order at 1:37 p.m. The group thanked Dawn Martin for her service on the committee—Dawn's department will be transferring to the County as of July 1, 2016. Dawn announced that Tara Anderson will be her replacement on the Committee.
2. Minutes for the May 10th meeting were reviewed and approved with no changes.
3. **Self-Insured Plan Experience Reporting** — Larry reviewed the claims summary reports. Medical claims are running 11.6% higher than last year, Rx are 5.4% higher and dental are 6.5% higher. The total daily claims rate (medical, Rx and dental) is around 194,000, approximately 10% higher than last year. Cathy indicated that the Plan is still at around a 98% loss ratio year-to-date, so the Plan is taking in as much revenue as it is paying out for claims. If claims exceed revenue in the coming year, an adjustment can be made to the budget in the spring, and plan reserves can be used to make up any difference. Cathy reminded the group that extra self-insured stop loss premiums were built into the rates to cover claims up to the \$1,000,000 level.
4. **Final Regulations—EEOC/ADA/GINA** – Anne Thompson, Aon
Anne went through the update handout on EEOC/ADA/GINA final regulations. Cathy stressed that these are being presented simply because they've been referred to in the past, and it was promised that updates would be provided when the final regulations came out. They are not being presented as part of any wellness offerings by the City (the City will not include spouse requirements for wellness visits as part of the City program.)

Some of the key points Anne presented included:

- The final regulations prohibit wellness programs from “gating” benefits. This means the plan cannot deny health care coverage or limit benefits/options under the plan if an employee refuses to answer a disability-related inquiry or take a medical examination (including those that are part of a health assessment or biometric screening.)

- An exception to this rule is if the benefit option differences are financial only, such as a different deductible amount.
- The amount of incentives cannot exceed 30% of the total cost of employee-only coverage. Incentive limits will become effective in plan years beginning after December 31, 2016.
- If the employee's spouse participates in the health plan, the employer may apply the same requirements as part of the wellness plan, provided the same regulations around gating, incentive limits and privacy are applied.
- The concepts of "gating" and spousal inclusion are already in effect per the EEOC.
- There are penalties for noncompliance, under GINA, the limit is \$300,000 and under ADA there is a separate limit of \$300,000.

5. Public Meetings Discussion (Judy Prosper, Deputy City Attorney)

Judy went through her PowerPoint presentation called "Guide for Volunteer Boards & Commissions". She confirmed that the LMBC is subject to Public Meeting laws. Her presentation included the following points:

- A Public Official is defined as "any person who is servicing the State of Oregon or any of its political subdivisions or any other public body as...an appointed official...irrespective of whether the person is compensated for services. (City of Portland is considered a political subdivision of the state).
- Public Officials must comply with state laws in official actions that could result in financial benefits to either themselves or a relative. The financial benefit prohibited can be either an opportunity for gain or to avoid an expense.
- When a public official has a potential conflict of interest, the official must announce publicly the potential conflict prior to taking any action thereon in the capacity of public official.
- When a public official has an actual conflict of interest, the official must announce publicly the nature of the conflict and refrain from participating as a public official in any discussion or debate on the issue.
- Non-elected City volunteers may not serve on or under any committee of a political party. This applies to appointed board or commission members when they are acting in their official capacity.
- Communications of the committee are public record (provided a quorum is met). If there is no quorum it is not public record. Cathy can be the holder of the public record so any communications can cc Cathy.
- The LMBC is subject to the Oregon Public Meetings Law and as such, if a quorum of the LMBC gets together and deliberates on official business there is a violation of the public meetings law if the required notice was not provided. If the gathering is less than a quorum of the body, there is no public meeting. In terms of the management of the public at meetings, the Chair of the Committee will preside over and maintain order. The group has an option to allow guests to speak. This can happen by:
 - Having a set time frame, requiring sign-ups
 - Inviting guests to speak by putting them on the agenda
 - Can only exclude from meetings if behavior is disruptive

6. Meeting was adjourned at 3:10 p.m.