

**Ventura County Medi-Cal Managed Care Commission (VCMMCC)
dba Gold Coast Health Plan (GCHP)**

**Telephonic Special Meeting pursuant to California Governor's
Executive Order N-25-20**

Thursday, March 19, 2020, 10:00 a.m.

**Gold Coast Health Plan, 711 East Daily Drive, Community Room, Camarillo, CA
93010**

Conference Call Number: 1-805-324-7279

Conference ID: 874798444

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENT

The public has the opportunity to address Ventura County Medi-Cal Managed Care Commission (VCMMCC) doing business as Gold Coast Health Plan (GCHP) on the agenda. Persons wishing to address VCMMCC should complete and submit a Speaker Card.

Persons wishing to address VCMMCC are limited to three (3) minutes unless the Chair of the Commission extends time for good cause shown. Comments regarding items not on the agenda must be within the subject matter jurisdiction of the Commission.

FORMAL ACTION

- 1. Declaration of an Emergency and Approval of Certain Powers to the Interim Chief Executive Officer including, but not limited to, authorization to act on near term policies relating to sick leave for GCHP employees at risk for COVID-19 and authorization to act on teleworking and GCHP operations in light of future scenarios that might emerge stemming from COVID-19.**

Staff: Margaret Tatar, Interim Chief Executive Officer
Ted Bagley, Interim Chief Diversity Officer / Human Resources Director

RECOMMENDATION:

Adopt a resolution declaring an emergency and grant emergency powers to the Interim 'Chief Executive Officer.

COMMENTS FROM COMMISSIONERS

ADJOURNMENT

Unless otherwise determined by the Commission, the next regular meeting will be held at 6:00 P.M. on April 27, 2020, in Santa Paula location still to be determined.

Administrative Reports relating to this agenda are available at 711 East Daily Drive, Suite #106, Camarillo, California, during normal business hours and on <http://goldcoasthealthplan.org>. Materials related to an agenda item submitted to the Commission after distribution of the agenda packet are available for public review during normal business hours at the office of the Clerk of the Commission.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact (805) 437-5512. Notification for accommodation must be made by the Monday prior to the meeting by 3 p.m. to enable the Clerk of the Commission to make reasonable arrangements for accessibility to this meeting.



AGENDA ITEM NO. 1

TO: Ventura County Medi-Cal Managed Care Commission

FROM: Scott Campbell, General Counsel

DATE: March 19, 2020

SUBJECT: Adopt a Resolution Declaring a Local Emergency Related to the Outbreak of Coronavirus (“COVID-19”) and Empower the Interim CEO with the Authority to issue Emergency Regulations and Take Action

SUMMARY:

Adopt a resolution declaring and a Local Emergency related to the outbreak of a disease caused by the novel coronavirus (“COVID-19”) and to empower the interim Chief Executive Officer (“CEO”) to take those actions, measures and steps necessary to assure the health, safety and welfare of the Ventura County Medi-Cal Managed Care Commission aka Gold Coast Health Plan’s (“Plan’s”) members and staff pursuant to State law and its bylaws and continue to provide services for the benefit of Plan providers and members.

BACKGROUND/DISCUSSION:

COVID-19, which originated in Wuhan City, Hubei Province, China in December, 2019, has resulted in an outbreak of respiratory illness causing symptoms of fever, coughing, and shortness of breath. Reported cases of COVID-19 have ranged from very mild to severe, including illness resulting in death. Since that time, COVID-19 has impacted more than 150 countries, and as described in Governor Newsom’s March 4, 2020 State of Emergency (“State of Emergency”), and has resulted in hundreds of cases in California. The State of Emergency, adopted pursuant to the California Emergency Services Act, put into place additional resources and made directives meant to supplement local action in dealing with the crisis. The State of Emergency formalized emergency actions underway across multiple State agencies and departments that helped to prepare for the broader spread of COVID-19.

Confirmed coronavirus infections have continued to increase in California, the United States, and internationally. On March 11, 2020, the World Health Organization (“WHO”) declared the coronavirus a pandemic affecting over 100,000 people worldwide. The Center for Disease Control (CDC) reports that more cases of COVID-19 are likely to be confirmed in communities across the United States, with more widespread transmission.

Also on March 12, 2020, the Ventura County Health Officer declared a local health emergency in response to (1) the continued increase of confirmed coronavirus infections in the United States; (2) in alignment with the Governor’s State of Emergency and mass gatherings guidance; and (3) an increase in local costs. Amid the continued spread of the disease, the

cities of Pasadena, Long Beach, and Los Angeles have also declared a local health emergency and seven counties in northern California have adopted mandatory stay at home declarations.

COVID-19 can be spread easily through person-to-person contact. The risk of transmission is increased when people are in close proximity. As a result, on March 15, 2020, federal, state and local agencies enforced strict measures to prevent the further spread of the disease:

- The CDC recommended the cancellation of postponement of all in-person gatherings of fifty (50) or more people throughout the United States, and that events of any size should be only continued if they can be carried out with adherence to guidelines for protecting vulnerable populations, hand hygiene and social distancing within confined spaces requiring attendees to be separated by six (6) feet.
- Governor Newsom issued new restrictions 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 bars, wineries, nightclubs, and called for social distancing in restaurants.

VCMMCC Should Declare a Local Emergency and Empower the Interim CEO with the Authority to Issue Rules and Regulations to Prevent the Further Spread of the Disease and Protect the Health and Safety of VCMMCC Staff

Government Code sections 8630 and 8634 permit the Plan's Commissioners or an official designated by ordinance by the Commission, to declare a local emergency. A local emergency is defined in part as "the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits" of the Plan.

The action to declare a local emergency may be taken during a Commission meeting. Normally under section 8630, the Commission must review the need for continuing the local emergency at least once every 60 days until the local governing body terminated the local emergency. However, under Governor Newsom's March 4, 2020, State of Emergency proclamation, that 60-day time period in Government code section 8630 was waived for the duration of the statewide emergency. As such, any local emergency proclamation will remain in effect until each local governing authority terminates its respective local emergency. A proclamation of local emergency powers grants the Commission, or an official designated thereby to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

The continued spread of COVID-19 will require critical infrastructure to address the emergency conditions related to spread of COVID-19.

Under Article VIII of Plan's bylaws, the CEO is responsible for coordinating all activities of the Ventura County Organized Health System, including implementing and enforcing all policies and procedures and assure compliance with all applicable federal and state laws, rules and regulations. The Commission is a public entity pursuant to Welfare and Institutions Code

section 14087.54. Government Code sections 8630 and 8634 permit political subdivisions, including local government agencies and public agencies, or officials designated thereby, to promulgate orders and regulations necessary to provide for the protection of life and property. As such, the Commission may empower the CEO the authority under section 8634.

The Plan seeks to adopt a resolution declaring a local emergency and empowering the interim CEO with the authority to issue orders and regulations necessary to prevent the further spread of the disease and protect the health and safety of Plan members and staff and provide for authority to make decisions of how to staff the Plan during this emergency period and provide for the continuation of services for the benefit of Plan providers and members.

FISCAL IMPACT:

None.

RECOMMENDATION:

1. Adopt Resolution No 2020- 001 Declaring a Local Emergency Related to the Outbreak of Coronavirus (“COVID-19”) and Empowering the CEO with the authority to issue Emergency Regulations.

CONCURRENCE:

N/A.

ATTACHMENT:

1. Adopt Resolution No. 2020 -001 Declaring a Local Emergency Related to the Outbreak of Coronavirus (“COVID-19”) and Empowering the CEO with the authority to issue Emergency Regulations.

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RESOLUTION NO. 2020-001

A RESOLUTION OF THE VENTURA COUNTY MEDICAL MANAGED CARE COMMISSION, DOING BUSINESS AS THE GOLD COAST HEALTH PLAN, DECLARING A LOCAL EMERGENCY AND EMPOWERING THE INTERIM CHIEF EXECUTIVE OFFICER OR CHIEF EXECUTIVE OFFICER (“CEO”) WITH THE AUTHORITY TO ISSUE EMERGENCY REGULATIONS AND TAKE ACTIONS RELATED TO THE OUTBREAK OF CORONAVIRUS (“COVID-19”)

WHEREAS, the federal Centers for Disease Control and Prevention (“CDC”) has confirmed multiple 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 who 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, 2020, 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 such gatherings 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 restrictions 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 pubs, 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 in order to prevent the further spread of the disease; and

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

WHEREAS, the California Department of Public Health and the Ventura County Department of Public are recommending the cancelation or postponement of all gatherings of more than 250 or more people, all gatherings at venues where there is not enough space for six (6) feet of social distancing, and all gatherings of 10 or more people who are at a higher risk of severe infection; 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 Commission staff workplaces threatens the safety and health of Commission personnel; and

WHEREAS, under Article VIII of the Ventura County Medi-Cal Managed Care Commission aka Gold Coast Health Plan's ("the Plan's) bylaws, the CEO is responsible for coordinating day to day activities of the Ventura County Organized Health System, including implementing and enforcing all policies and procedures and assure compliance with all applicable federal and state laws, rules and regulations; and

WHEREAS, California Welfare and Institutions Code section 14087.53(b) provides that all rights, powers, duties, privileges, and immunities of the County of Ventura are vested in the Plan's Commission.

WHEREAS, California Government Code section 8630 permits the Plan's Commissioners, acting with the County of Ventura's powers, to declare the existence of a local emergency to protect and preserve the public welfare of Plan's members, staff and providers when they are affected or likely to be affected by a public calamity; and

WHEREAS, California Government Code Section 8634 allows the Plan, as a local government entity, to issue orders and regulations to protect life and property if a local emergency has been declared in their jurisdiction; and

WHEREAS, a declaration of local emergency will assist in a coordinated public health response to reduce the transmission and illness severity, provide assistance to health care providers, coordinate and mitigate detriment to public services that may be disrupted from this emergency, and mitigate any other effects of this emergency on the Plan and its members, staff and providers; and

WHEREAS, the Plan is a public entity pursuant to Welfare and Institutions Code section 14087.54 and as such, the Plan may empower the CEO with the authority under sections 8630 and 8634 to issue rules and regulations to prevent the spread of COVID-19 and preserve Plan activities and protect the health and safety of its members, staff and providers.

NOW, THEREFORE, BE IT RESOLVED, by the Ventura County Medi-Cal Managed Care Commission as follows:

Section 1. Pursuant to California Government Code sections 8630 and 8634, Commission finds and proclaims a local emergency caused by conditions or threatened conditions of COVID-19, which constitutes extreme peril to the health and safety of Plan's members, staff and providers.

Section 2. The CEO, is hereby authorized to furnish information, to promulgate orders and regulations necessary to provide for the protection of life and property pursuant to California Government Code sections 8630 and 8634, to enter into agreements, make and implement personnel or other decisions and to take all actions necessary to obtain State emergency assistance to implement preventive measures to and other actions necessary to preserve Plan activities and protect the health of Plan's members, staff and providers, including but not limited to the following:

- A. Arrange alternate "telework" accommodations to allow Plan staff to work from home or remotely, as deemed necessary by the CEO, to limit the transfer of the disease.
- B. Help alleviate hardship suffered by Plan 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 Plan staff most vulnerable to a severe case of COVID-19.
- C. Address and implement expectations issued by the California Department of Health Care Services ("DHCS") and the Centers for Medicare & Medicaid Services ("CMS") regarding new obligations to combat the pandemic.
- D. Coordinate with Plan staff to realign job duties, priorities, and new or revised obligations issued by DHCS and CMS.
- E. Take such action as reasonable and necessary under the circumstances to ensure the continued provision of services to members while prioritizing the Plan's obligations pursuant to the agreement between DHCS and the Plan ("Medi-Cal Agreement").
- F. Enter in to such agreements in behalf of the Plan as necessary or desirable, with advice of legal counsel, to carry out all actions authorized by the Commission in this Resolution.
- G. Authorizes the CEO to implement and take such action on behalf of the Plan as the CEO may determine to be necessary or desirable, with advice of legal counsel, to carry out all actions authorized by the Commission in this Resolution

Section 3. VCMMCC further orders that...

- A. The Commission approves and ratifies the actions of the CEO and the Plan's staff heretofore taken which are in conformity with the intent and purposes of these resolutions.
- B. The Commission hereby delegates to the Executive Finance Committee the following:
 - a. Matters in which the Commission's position on anticipated or pending legislation or governmental orders is necessary to both meet an urgent timeframe and further the best interests of the Commission and the management and operations of the Plan; and
 - b. Matters in which, due to either legislation or governmental orders, Commission action is required to meet an urgent timeframe or emergency and such action would further the best interest of the Commission and the management and operations of the Plan

PASSED, APPROVED AND ADOPTED by the Ventura County Medi-Cal Managed Care Commission at a regular meeting on the 19th day of March 2020, by the following vote:

AYE:

NAY:

ABSTAIN:

ABSENT:

Chair

Attest:

Clerk of the Board