

PUBLIC EMPLOYEES' BENEFITS PROGRAM BOARD
TRANSCRIPT OF PROCEEDINGS
VIDEOCONFERENCED OPEN MEETING
FRIDAY, APRIL 20, 2018
CARSON CITY AND LAS VEGAS, NEVADA

The Board: PATRICK CATES, Chairman
GLENN SHIPPEY, Member
DON BAILEY, Member
ANA ANDREWS, Member
JOHN PACKHAM, Member
TOM VERDUCCI, Member
LEAH LAMBORN, Member
CHRIS COCHRAN, Member
LINDA FOX, Member
CHRISTINE ZACK, Member

For the Board: DENNIS BELCOURT, Deputy
Attorney General

For Staff: DAMON HAYCOCK
Executive Officer
CELESTENA GLOVER
Chief Financial Officer
NANCY SPINELLI
Quality Control Officer
LAURA LANDRY
Executive Assistant

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1 FRIDAY, APRIL 20, 2018, 1:12 P.M.

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3 CHAIRMAN CATES: I'd like to call to order the
4 Public Employees Benefits Program board meeting, April 20th,
5 1:12.

6 I'll open the first agenda item. Roll call.

7 MS. LANDRY: Ana Andrews.

8 MEMBER ANDREWS: Here.

9 MS. LANDRY: Don Bailey.

10 MEMBER BAILEY: Here.

11 MS. LANDRY: Patrick Cates.

12 CHAIRMAN CATES: Here.

13 MS. LANDRY: Chris Cochran.

14 MEMBER COCHRAN: Here.

15 MS. LANDRY: Linda Fox.

16 MEMBER FOX: Here.

17 MS. LANDRY: Leah Lamborn.

18 MEMBER LAMBORN: Here.

19 MS. LANDRY: Glenn Shippey.

20 MEMBER SHIPPEY: Here.

21 MS. LANDRY: Tom Verducci.

22 MEMBER VERDUCCI: Here.

23 MS. LANDRY: Christine Zack.

24 MEMBER ZACK: Here.

1 MS. LANDRY: John Packham.

2 MEMBER PACKHAM: Here.

3 MS. LANDRY: We have a quorum.

4 CHAIRMAN CATES: Thank you. We'll close Agenda
5 Item Number 1.

6 The next agenda item is public comment. And let
7 me just tell everybody what we have on the agenda and where
8 we're going to hear public comment. If you have anything
9 that you want to say that does not relate to an agenda item,
10 that will be the public comment period that I'm about to
11 call, Agenda Item Number 2. I know most people are probably
12 here to comment on Agenda Items Number 5 and 6. I will take
13 public comment on those items. So if that's what you want to
14 speak to, I would ask that you wait until we get to those
15 agenda items.

16 So with that, I'll open up Agenda Item Number 2,
17 public comment.

18 MS. BOWEN: Good afternoon. My name and my words
19 for the record, P-e-g-g-y, space, Lear, space, L-e-a-r,
20 space, Bowen, last name Bowen, B, as in boy, o-w-e-n.

21 And because I didn't have anything while you were
22 making your comment, the only comment I'm going to be making
23 today is that I hope I understand what they did for the 3D
24 mammogram. I understand that. But it's my hope that we will

1 have a second mammogram as one of our benefits so that people
2 will get their mammograms instead of putting them off and
3 rather not know because they couldn't afford a second
4 mammogram if requested by their doctor for a more definitive
5 study and that that be a benefit.

6 And thank you very much for your time and thank
7 you, thank you, for not meeting until 1:00 o'clock.

8 CHAIRMAN CATES: Thank you.

9 Do we have other public comment? Any public
10 comment in Las Vegas? Seeing none, it doesn't look like we
11 have any public comment, I'll go ahead and close Agenda Item
12 Number 2 and we'll go to Agenda Item Number 3, PEBP board
13 disclosures.

14 Dennis.

15 MR. BELCOURT: Dennis Belcourt, deputy attorney
16 general. This is the agenda item wherein board members can
17 indicate if they have any conflicts. We put this on here, as
18 you will recall, because, of course, many of the board
19 members are beneficiaries or could be beneficiaries of PEBP
20 plans. And that requires disclosure but does not necessarily
21 require any kind of recusal. On today's agenda items, five
22 or six, they could potentially relate to your -- the plan
23 that you are or may be served by. So this is an opportunity
24 for you to disclose that. And at the last meeting I think

1 members also disclosed other issues.

2 So, with that, I'll turn it back to whomever --
3 who ever wishes to make a disclosure at this time.

4 CHAIRMAN CATES: Thank you, Dennis. Dennis, just
5 so I understand, because this is a new item, we hit it last
6 time, but I think that the statement that you made covers the
7 sort of generic --

8 MR. BELCOURT: Right. So maybe I can add a
9 little bit to repeat what I said last time. And that is of
10 course if you -- the conflict of interest statutes for voting
11 require disclosure if you have a pecuniary interest in what's
12 being voted on or if you have a substantial commitment in
13 this private capacity to another person. And so those are --
14 that's the -- this particular item is meant to address, well,
15 the generic, hey, I'm a member of PEBP or I could be a member
16 of PEBP and I'm stating this but I'm going to go ahead and
17 vote because I don't feel that I have a status that's any
18 different from other board members with respect to the agenda
19 item.

20 CHAIRMAN CATES: Understood. And I think you
21 addressing that is sufficient that we don't need to each call
22 that same thing out.

23 MR. BELCOURT: Certainly.

24 CHAIRMAN CATES: Okay. That's what I wanted to

1 clarify. Thank you.

2 Does any board member have any discussion on that
3 item? Okay. Seeing none, we'll close Agenda Item Number 3
4 and move to Agenda Item Number 4, approval of action minutes
5 from the March 22nd PEBP board meeting.

6 Has everybody had an opportunity to review the
7 minutes? Any questions or comments on the minutes? Anybody
8 like to make a motion?

9 MEMBER BAILEY: I make a motion that we approve
10 the minutes from March 22.

11 CHAIRMAN CATES: Okay. We have a motion. Is
12 there a second to the motion?

13 MEMBER ANDREWS: Second. Ana Andrews.

14 CHAIRMAN CATES: Okay. We have a motion and a
15 second. Any discussion on the motion? Hearing none, I'll
16 call for a vote. All those in favor of the motion signify by
17 saying aye.

18 (The vote was unanimously in favor of the motion)

19 CHAIRMAN CATES: Opposed? Motion carries.

20 MEMBER COCHRAN: No.

21 CHAIRMAN CATES: Oh, I'm sorry. Was that a no
22 from Ron?

23 MEMBER COCHRAN: No. It's from Chris.

24 CHAIRMAN CATES: I'm sorry.

1 MEMBER COCHRAN: I'm getting a little lost in my
2 paperwork here. I don't recall -- Did we get the minutes in
3 a packet? Was there a packet that was supposed to be sent to
4 us or was this all e-mailed information?

5 MR. HAYCOCK: For the record, this is Damon.
6 Sorry, Chris. We had packets posted at both of the
7 locations. And if we failed to send you the minutes, I'll
8 take that as a hit on my team. We can get that out to you
9 immediately if you'll give us 30 seconds to a minute and
10 we'll shoot it out to you. I apologize.

11 MEMBER COCHRAN: My vote doesn't make a
12 difference. I just wanted to clarify because the only
13 information I'm working from right now is what I've gotten
14 through e-mails. I can go on to PEBP's website and get the
15 materials. You don't need to do that.

16 MR. HAYCOCK: Thank you, Chris.

17 CHAIRMAN CATES: All right. Yeah. That's what I
18 did. I went to the website on short notice, but I understand
19 why people may not have seen them. Okay. So then I guess
20 motion carries. We have one no vote. Okay.

21 All right. So we'll close Agenda Item Number 4
22 and move to Agenda Item Number 5.

23 Before we discuss this item, I know that the
24 attorney general's office had received a complaint from an

1 interested party about this item and how it was noticed. And
2 unless that party would like to come forward and withdraw
3 that complaint, I will go ahead and turn it over to Dennis.

4 MR. BELCOURT: Thank you, Chair. Dennis
5 Belcourt, Deputy Attorney General. This morning, our office,
6 I received via e-mail a letter from the Law Office of Snell,
7 Wilmer, William Peterson, attorney, notifying us of Saint
8 Mary's objection to having this matter heard today for
9 their -- Their argument was that there was a lack of notice
10 under the open meeting law, specifically the reference was to
11 241.034, which requires that a public body not consider
12 taking administrative action against a person without giving
13 a requisite notice of either five working days personal
14 delivery or 21 working days via certified mail.

15 That statute, let me just say kind of
16 preliminarily, has not been the subject of a published
17 opinion to my knowledge by the Supreme Court and so the
18 definition of what an administrative action against a person
19 is has not been defined by the Court.

20 There certainly is room to argue one way or the
21 other in many instances. However, our office's view is for
22 caution. There was not delivery of such notice to Saint
23 Mary's that took place five -- according to the statute to
24 our requirements. And while we do not know what a Court

1 would rule precisely on this, our recommendation is to, as I
2 say, exercise caution and consider this objection and renew
3 or actually notice another meeting with the requisite notice.

4 And I don't know if there's anybody present. I
5 know that counsel for Saint Mary's is present. If she'd like
6 to come forward, I don't know if she would like to add to
7 that. Okay. Well, I do have -- So my recommendation is --
8 And I believe you can set an agenda item or set a time and
9 place for a meeting today to have this matter heard so that
10 we can have the requisite notice to Saint Mary's.

11 CHAIRMAN CATES: Okay. And that applies to both
12 Agenda Item 5 and 6?

13 MR. BELCOURT: That's correct, Chair. Dennis
14 Belcourt again for the record. Because, out of caution,
15 again, they're linked matters and I believe that the best --
16 best caution would be to hear them together at a later date
17 or noticed according to that statute, 241.034.

18 CHAIRMAN CATES: Okay. Okay. So our advice from
19 counsel is that we cannot proceed today with 5 and 6. That's
20 obviously disappointing. We have important business to
21 conduct and a limited time frame to do it. But we need to
22 stay within scope of the advice of the attorney general's
23 office.

24 Do we have to -- I assume there's no vote we have

1 to take. I can just as chairman say we're not considering
2 these; correct?

3 MR. BELCOURT: Correct. I think we should treat
4 them as not part of the agenda and move on to the next item
5 on the agenda.

6 CHAIRMAN CATES: Okay. Thank you. All right.
7 So unfortunately, folks, we will not be discussing Item 5 or
8 6 today. We will defer that so that we can meet the
9 expectations of the complaint that we receive and we'll be
10 promptly noticing another meeting in the near future.
11 Apologies for all of those who made the effort to be here
12 today because I'm sure that's what you wanted to talk about.

13 So, with that, I'll close Agenda Item 5, skip
14 Agenda Item 6, and move to Agenda Item 7, public comment.

15 MS. BOWEN: Good afternoon. My name and words
16 for the record Peggy, P-e-g-g-y, Lear, L-e-a-r, Bowen,
17 B-o-w-e-n. And I'm having some difficulty with dealing with
18 the insurance company and how to have recognized subrogation
19 and have recognized pre-authorization.

20 And what has happened is there's a glitch in the
21 process. The glitch is that you need to have
22 pre-authorization. EpiPen, for example, with
23 pre-authorization is \$375. Without it, it's 872 or something
24 to that effect.

1 And so what happened at the hospital when they
2 went and checked my insurance, they said that I -- they gave
3 me finally, after hours and hours and hours of dealing with
4 them, until their pharmacy, CVS pharmacy is the pharmacy of
5 Renown, of the whole system of Hometown Health, and their
6 pharmacy had closed.

7 There was a Walgreen's pharmacy open in Reno over
8 the freeway that had the EpiPen. And so the doctor, the
9 emergency room doctor, wrote me a prescription for my EpiPen.
10 And a hundred dollars worth of cab rides going back and forth
11 from Renown to over the freeway there.

12 And I got my prescription to the pharmacist and
13 he said, well, is it pre-authorized. And I said the
14 emergency room doctor gave it to me after I had to call for
15 the head staff, the highest level staff was the head of
16 nursing that night, and she came down and convinced the
17 doctor to write me a prescription for an EpiPen. She wasn't
18 going to do it at all. She said go to your doctor the next
19 day.

20 And I've been stung by a wasp. And 40 years
21 earlier, 41 years earlier, I ended up in the emergency room
22 at Chester, California, having my blouse ripped off and
23 adrenaline being put in my heart and I went through years of
24 aftershocks. And I never got stung again so I didn't know if

1 they worked.

2 The glitch is, and indeed it happened to my
3 doctor, is that without the pre-authorization, which the head
4 of nursing finally made her pre-authorize it so I can get it
5 for the 375, and then she wrote it only for CVS pharmacy that
6 didn't open until 9:00 o'clock the next morning after she
7 checked what insurance I have, which is you all.

8 And so I had -- And I'm single. I live alone.
9 And if I had gone home and had my delayed reaction, as I had
10 before in the past, like hours of delay, before they got the
11 adrenaline in the heart, I didn't even know I was allergic.
12 And so I was being sent home. In fact, they were going to
13 remove me from the emergency room at Renown because I had
14 taken up too much of their time waiting for a reaction, not
15 knowing what was going to do.

16 They sent me to a back room where seniors could
17 wait. Some guy had been waiting with kidneys stones for over
18 12 hours. Nobody checked on him. And nobody was back there
19 checking on the people there. They didn't want me waiting in
20 the emergency room out front. And so I came back out and I
21 said are you overcrowded, are you guys booked. You don't
22 have any rooms to put these people because it was a heavy
23 thing. And they said, yes, we're overcrowded. I said, fine,
24 I will, you know, whatever I have to do. But I need an

1 EpiPen before I leave.

2 And they wouldn't -- The emergency room doctor
3 adamantly refused to write me a pre-authorized prescription
4 for anything but CVS pharmacy. So I was stuck by myself
5 alone. I called my good friend, Ruth, and asked her if she'd
6 stay with me because of what had happened. And just so if
7 anything went down -- No, I didn't call Ruth on this one.

8 Anyway, the bottom line is they put me in a
9 life-threatening situation without access to the one thing
10 that could have kept me alive long enough to get back to an
11 emergency room or whatever else because I got stung by a
12 wasp.

13 And it's a glitch in the system. And it's not
14 just EpiPens. It's for all pharmaceuticals, every single
15 pharmaceutical that requires pre-authorization for the
16 expense or whatever. They do not have a way and we need you
17 to write it, please, in the plan or however you're going to
18 do and then take it to the legislature. Whatever has to
19 happen. I guess it's the plan regarding this
20 pre-authorization that you can go to any pharmacy you need to
21 go to if you have a pharmaceutical need and it's after CVS
22 pharmacy hours have closed.

23 When CVS opened at 9:00 o'clock the next morning
24 at Plumb Lane, they didn't have an EpiPen. I had to go over

1 by Reno High School and use that CVS pharmacy and get all of
2 my prescriptions and all of my pre-authorizations changed to
3 meet that at the CVS pharmacy.

4 So when you deal with your insurance company and
5 pre-authorization, you also need to talk about not limited to
6 whatever their pharmacy is of record but to be able to use
7 the pharmacy wherever they are.

8 And so that's what I had to talk to you about.
9 And I know I took more than three minutes. And I thank you
10 very much for your time, energy, and effort.

11 It's just I could have died that night and nobody
12 would have been there to help me, nobody. And I wouldn't
13 have had any way to deal with it. And I had a very, very,
14 very rank position in the emergency room who was a visiting
15 physician adamantly refused to do it. And it took the head
16 of nursing, thank God for her, to at least finally force
17 prescriptions to be written and then some pre-authorization.
18 But only to the pharmacy at CVS on Plumb Lane that had closed
19 many hours earlier. And the hospital pharmacy was closed.
20 Thank you.

21 CHAIRMAN CATES: Thank you for your comments.

22 Do we have any other public comment? Any public
23 comment in Las Vegas?

24 I'll just make one comment. I'm obviously very

1 frustrated we can't consider the items today that we need to
2 consider. We are a couple of weeks away from open enrollment
3 and these things need to be discussed and considered. And
4 putting them off a week is troubling to me. But we'll follow
5 the advice of our attorney.

6 And we will be noticing very promptly, I assume
7 today, for a meeting next Friday so that we can make sure
8 that we don't have any issues there. But this has to
9 proceed. This discussion needs to proceed. And this delay,
10 in my opinion, is very unuseful and unhelpful.

11 So with that, I'll close Agenda Item Number 7 and
12 we'll move to adjournment. This meeting is adjourned.

13 (Hearing concluded at 1:32 p.m.)
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1 STATE OF NEVADA)
)ss.
2 CARSON CITY)
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4 I, CHRISTY Y. JOYCE, Official Court Reporter for
5 the State of Nevada, Public Employees' Benefits Program
6 Board, do hereby certify:

7 That on Friday, the 20th day of April, 2018, I was
8 present at Richard H. Bryan Building, 901 South Stewart
9 Street, Carson City, Nevada, for the purpose of reporting in
10 verbatim stenotype notes the within-entitled public meeting;

11 That the foregoing transcript, consisting of pages
12 1 through 16, inclusive, includes a full, true and correct
13 transcription of my stenotype notes of said public meeting.
14

15 Dated at Reno, Nevada, this 26th day of April,
16 2018.
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19

20 CHRISTY Y. JOYCE, CCR
21 Nevada CCR #625
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