

Louisiana Health Care Commission Meeting Minutes
Meeting Held Via Zoom
Baton Rouge, Louisiana
September 10, 2020

Members present: Jeff Albright, Lauren Bailey, Katie Brittain, Derrell Cohoon, Lisa Colletti, Diane Davidson, Jeanie Donovan, Jeff Drozda, Dr. Rachel Durel, Jack Duvernay, Susan Ellender, Dr. William Ferguson, Dr. John Fraiche, Arnold Goldberg, Dr. Faye Grimsley, Linda Hawkins, Rep. John Illg, Dr. Eva Lamendola, Darrell Langlois, Barbara Morvant, Ronnell Nolan, Frank Opelka, Dr. Anthony Recasner, Debra Rushing, Scott Webre

Members absent: Michael Andry, Lisa Gardner, Randal Johnson, Jesse Lambert, Jennifer McMahon, Andrew Muhl, John Overton, Ed Parker, Dr. Butch Sonnier, Elizabeth Sumrall, Judy Wagner, Senator Rick Ward, Lacosta Wix

Staff present: Crystal M. Stutes

Chairman John Fraiche called the virtual meeting to order at 9:10 a.m. via Zoom. Roll call was ascertained through registration and appearance online at the meeting; as such a quorum was noted for the record. Dr. William Ferguson offered a motion for the approval of the February 21, 2020 Meeting Minutes. Mr. Darrell Langlois seconded the motion. With no objections, the minutes were accepted as approved.

Under new business, Dr. Fraiche welcomed Dr. Catherine O’Neal, Infectious Disease Specialist of Our Lady of the Lake Regional Medical Center to provide a COVID Update from a Hospital / Provider Perspective.

Dr. O’Neal mentioned that while hospitalizations are slowly decreasing, many hospitals are still reaching, or are already at, capacity. She mentioned that large crowds are still being discouraged to avoid greater outbreak and that tele-health visits have obviously been on the rise.

She stated that they have seen a greater mortality and morbidity in the non-COVID populations over the last six months. This could be a result of delayed care due to inability to be seen and also specific avoidance of care, which has created a sicker population. Additionally, people may have milder symptoms of COVID and think it is something else and they may be a part of that larger “non-COVID” group who are experiencing illness.

According to Dr. O’Neal, recent flu population studies showed that people admitted with influenza were more likely to be readmitted over the next 90 days and over the next year; more so than readmission rates of heart attack, heart failure, etc.; which shows that when you have an inflammatory viral illness, it kicks off a series of medical conditions that

continue to plague a person. She expressed her concern that this population of COVID-19 admissions are going to continue to return to the hospital over and over in the next year; as well as those delaying care due to wanting to avoid COVID-19 in facilities.

Dr. O'Neal feels that we are in for about two years of highly burdened hospitals and it's imperative to get as many people to their primary care doctors as possible to relieve that burden on the hospitals. Finally, she encouraged everyone to still get the flu vaccine now if you can do so.

Ms. Katie Brittain asked Dr. O'Neal what her opinion was as to the best way to inform primary care practitioners about the best tools that they can use to have an impact on lowering hospitalizations. Dr. O'Neal suggested podcasts, webcasts, increased media guidance and tele-meetings.

Dr. Grimsley asked if there were some type of dashboard showing the non-COVID illnesses that were being tracked. Dr. O'Neal responded that there are a variety of dashboards showing the different mortalities in the state. There are also Medicare and Medicaid dashboards that track different Diagnosis Related Groups (DRGs).

Commissioner Donelon commented that the LDI issued Emergency Rule for 16 parishes that expanded upon the efforts put into place post-COVID regarding telemedicine. He opined that telemedicine has definitely been most beneficial for reaching those patients in more rural areas in the state. He asked Dr. O'Neal when we could expect the surge of COVID instances following the Labor Day break. Dr. O'Neal felt that based on experience from Memorial Day weekend, we'd likely start seeing the surge about a month following Labor Day.

Next Mr. Frank Opelka, Deputy Commissioner of the Office of the Health, Life and Annuity, Louisiana Department of Insurance gave an update on the LDI's departmental response to COVID-19. Mr. Opelka mentioned that in response to the pandemic, the LDI has issued eight emergency rules, four of which were health focused in mid-March:

Emergency Rule 36 – Waived cost sharing and prior authorization for COVID testing and provided for early refills for drugs not prone to abuse (non-opioids);

Emergency Rule 37 – Telemedicine rule; waived restrictions on tele-med access and expanded tele-medicine network; also required coverage of physical health consultations by tele-medicine;

Emergency Rule 40 – Placed moratoriums on cancellations and non-renewals;

Emergency Rule 41– Regarding step down facilities; Medical Surge-Related Patient Transfers in Louisiana During the Outbreak of COVID-19.

Act 230 by Senator Barrow (2020) created a state mandated benefit for COVID-Testing; which is now required to be covered by any insurance product covered by state law with the exception of limited excepted benefit and short term plans. This does not necessarily address the vaccine coverage issue.

Mr. Opelka mentioned that one question many have posed is with the number of jobs lost, why haven't we seen a huge exodus from employer sponsored plans to individual plans or Medicaid. He states while there was about a five percent increase of individual plans, for the most part, people stayed where they were. He stated that two reasons for that could be a) much of the job loss occurred in the population already in individual and Medicaid market and b) federal subsidies stepped in and helped to bridge the income gap. However, Mr. Opelka stated that if those subsidies go away before recovery really matures, we may still see that movement from employer market to Medicaid.

Ms. Barbara Morvant asked did Louisiana look at the cost of allowing reimbursement for tele-health? Darrell Langlois with Blue Cross responded the majority of health insurers including BCBSLA had specifically promoted the use of telemedicine at the beginning of the pandemic as they believed that it represents a safer avenue. They covered tele-health prior to COVID, they expanded that coverage based on emergency rules by the LDI and they will continue that coverage. Mr. Mike Bertaut stated that in February, there were about 1,200 telehealth claims. In April, there were 160,000 claims statewide. As such, he feels tele-medicine is definitely here to stay.

Ms. Diane Davidson stated that she experienced a constituent getting "balance billed" for a COVID test and asked if anything could be done about this. Commissioner Donelon reminded Ms. Davidson that stated he has been trying to fight balance billing for 15 years and that the legislature does seem quite committed to trying to fix the problem. Mr. Opelka mentioned that Act 230 by Senator Barrow actually prohibits cost sharing of COVID testing for the first two years.

Next Mr. Jared Hymowitz, Director of East Baton Rouge Mayor's Healthy City Initiative presented to the Commission about HealthyBR. Mr. Hymowitz informed the group that HealthyBR was created with a mission to communicate, coordinate and collaborate to promote a healthier Baton Rouge for all. Members include Mayor-President Sharon Weston Broome and representatives from Baton Rouge General Medical Center, Lane Regional Medical Center, Ochsner Baton Rouge, OLOL, Woman's Hospital, LA Department of Health, Pennington Biomedical Research Center, BCBSLA, LA Primary Care Association, BR Health District, BR Area Chamber of Commerce, BR Area Foundation, BREC, EBR Parish School System and Capital Area United Way.

Mr. Hymowitz mentioned that HealthyBR exists to work with local health departments to promote and protect the health of the people and the communities where they live and work. To accomplish this mission, HealthyBR usually forms an advisory group, collects data, analyzes data, develops a report and disseminates findings. HealthyBR enabled the offering of the 1st Mobile community testing site in Louisiana in partnership with BR Clinic, BRG, OLOL, Ochsner, Woman's and the Mayor's Office of Homeland Security and Emergency Preparedness. They have met consistently throughout the pandemic to ensure testing sites and first responder sites were available in the community.

Finally, Mr. Michael Bertaut, Healthcare Economist and Exchange Coordinator for Blue Cross/Blue Shield of Louisiana, gave a presentation on the impact of COVID-19, oil prices and Hurricane Laura on Louisiana's recovery.

Mr. Bertaut began his presentation by sharing some important points:

- In March 2020, the Federal Bureau of Labor Statistics said Louisiana had a workforce of over 2.1m people. By the first week of August 2020, 312,000 of them were still drawing unemployment benefits in Louisiana.
- By August 1, around 9.5 million of the original 21 million jobs lost nationwide had been recovered. Unemployment rates still very high.
- Louisiana's economic recovery was interrupted by a surge in COVID-19 infections, hospitalizations, and deaths between Late June and mid-August.
- The Leisure/Entertainment Sector of the economy has been the hardest hit in terms of jobs lost.
- Oil closing prices are consistently over \$40 a barrel (WTIC) which still exceeds earlier EIA and API forecasts for August.
- We are unlikely to see any recovery in the oilfield, or oilfield services until oil settles back over \$50 bbl.

Mr. Bertaut mentioned that Louisiana has now experienced six weeks with decreases in COVID-19 hospitalizations. He stated that at the start of the first wave, average deaths per day climbed from one or two to over 65 per day within the first month. It took over two months to get that number back down to 14 per day, the mid-June average. Mr. Bertaut said that statistics show COVID-19 affects people with inflammatory conditions the most, such as obesity, diabetes, high blood pressure, etc. Because these are so prevalent in Louisiana, bringing death rates down is a challenge.

Mr. Bertaut stated that the US GDP is estimated at an annual rate of -31.5% in quarter two of 2020. He then reviewed a timeline of events since the pandemic has hit. He also made the following observations regarding unemployment in Louisiana:

- Unemployment in Louisiana peaked in early May at nearly 400,000 people receiving benefits.
- By Mid-August, the average drawing benefits was 263,000 people each week
- \$363m in the new enhanced benefit in the President's Executive Order was paid out in August 2020.
- The Original \$600/week enhanced benefit went into effect April 3 and ended July 25.
- Unemployment trends in Louisiana for the last week of August were up slightly, with just over 15,000 new claims being filed.

Regarding Hurricane Laura, Mr. Bertaut stated that following the FEMA-4559-DR Louisiana Disaster Declaration as of September 7, 2020, 35,800 individual applications for

federal aid, included unemployment aid, have been approved. Just over \$72 million has already been disseminated to residents.

Mr. Bertaut mentioned that Louisiana's Health Insurance Safety Net is VERY Good and made the following points:

- **Medicaid**—
 - Expanded Medicaid available up to 138% of FPL
 - \$1,200 family payments do NOT count in income
 - Enhanced unemployment does NOT count in income
- www.healthcare.gov-
 - Huge subsidies from 138% to 300% of FPL
 - Smaller help from 300% to 400% of FPL
 - Any loss of employer coverage triggers special enrollment period for 60 days
- **COBRA – Current membership is up 25% YTD.**
- **Short Term Health Insurance** (Bridge Blue)
 - Half the price of www.healthcare.gov policies for those earning over 400% of FPL
 - Requires Underwriting

Mr. Bertaut then addressed crude oil prices, saying that the price of oil has a significant impact on the economy in our state. Although spot prices are already 20% ahead of forecast, the US production is not expected to reach December 2019 levels through 2021.

According to Mr. Bertaut, as COVID-19 resurges and WTIC prices hover in the \$40/bbl range, oilfield and oilfield services companies are starting to close offices and lay workers off as of July 2020.

Mr. Bertaut concluded his presentation by predicting the following are needed for Louisiana to recover:

- A Safe, Efficacious, Widely Distributed Vaccine for COVID-19
- WTIC Prices to go back above \$50 bbl with a long-term forecast to stay there; Without that \$50 basement number, exploration and all the industry that supports will lag in Louisiana.
- A November Election Outcome that continues a regulatory environment friendly to business & chemical/petroleum industries; any backsliding to an anti-business regulatory posture will have dire consequences for the future of Louisiana.

Following Mr. Bertaut's presentation, Chairman Fraiche asked if there was any other business. With no further business, Dr. Ferguson offered a motion to adjourn and Mr. Scott Webre seconded the motion. With no objections, the meeting was adjourned at 11:30 a.m.