



EDMONDS' DISABILITY BOARD
Meeting minutes

10/20/16

MEMBERS PRESENT:

Ken Jones, Chair
Gary McComas, Board Member
Dave Teitzel, Council Member
Adrienne Fraley-Monillas, Council Member
Jim Distelhorst, Citizen-at-Large

STAFF PRESENT:

Mary Ann Hardie, HR Director
Yvonne Chan, HR Analyst
Sharon Cates, City Attorney

MEMBERS OF THE PUBLIC PRESENT:

Brian Henderson
Earl Barnard

A. CALL TO ORDER:

Chair Ken Jones called the Board meeting to order at 9:30 am.

Chair Jones made a motion to approve the appointment of Jim Distelhorst as Citizen-at-Large to the Disability Board effective 10/20/16 for a two year term. Council Member Adrienne Fraley-Monillas seconded the motion. The motion carried.

The Board welcomed Citizen-at Large Distelhorst to the Board.

B. APPROVAL OF MINUTES

Council Member Dave Teitzel made a motion to approve the meeting minutes of April 1, 2016 up to and including June 30, 2016. Chair Jones seconded the motion. The motion carried.

C. DISCUSSION AND APPROVAL OF CLAIMS SUMMARY REPORT:

HR Director Mary Ann Hardie reviewed the Claims Summary of July 1, 2016 and up to September 30, 2016 as follows:

SUMMARY OF CURRENT COSTS: 7/1/16 through 9/30/16

SERVICE	TOTAL NUMBER OF CLAIMS	COST
Prescription Co-Pays	7	2043.67
In Home Assisted Living Care	3	25481.25
Medicare Premium Reimbursement	1	1258.80
Dental Expense Reimbursement	1	157.00
Payment of Annual deductibles & co-insurance	4	513.45
Hearing Aids (batteries)	1	3270.00
Eye Care	2	96.20
Medical Equipment/Medically Necessary Services	1	2.08
TOTALS:	20	\$32,822.45

The total expense for the period 7/1/16 through 9/30/16 was \$32,822.45 with a total of 20 claims for the period which were comparable to the expenses paid for the same period in 2015.

Council Member Fraley-Monillas inquired as to when the last time the Board had assessed the situation (requested updated medical prognosis/status including information regarding the continued need to use assisted living care services) from the LEOFF 1 member using assisted living care. Chair Jones stated that it had been more than six months. Ms. Hardie stated that she believed it had been at least a year. After some discussion, the Board requested that the LEOFF 1 member of discussion be contacted to provide an updated medical prognosis/status including information regarding the continued need to use assisted living care services from the LEOFF 1 member of discussion. Ms. Hardie stated that HR would reach out to the LEOFF 1 member and inform them of the Board’s request.

Council Member Dave Teitzel made a motion to approve the claims summary report for the period 4/1/16-6/30/16 in the amount of \$32,822.45 based on medical necessity. Chair Jones seconded the motion. The motion carried.

REVIEW AND APPROVAL OF LEOFF I RETIREE CLAIMS (REQUESTS FOR REIMBURSEMENT)

D. The Board went into executive session off the record at 9:45 a.m. Ocutech sight scope Compact 2.2x lense - \$1,069.20

The Board engaged in some discussion about prior approvals for items such as this. Councilmember Fraley-Monillas asked if we had any prior approval requirements for this type of equipment. Ms. Hardie confirmed that the only current policy that has pre-approval requirements is the Hearing Aid Policy. She added that the Board may add pre-approval requirements to other policies such as medical equipment. Council Member Teitzel asked if going forward, if we adjust our policies, we could impose pre-approval requirements on other policies or types of reimbursement requests. Ms. Hardie confirmed that this was within the Board’s authorization to do so and that many other state city and county Boards had policies with maximum reimbursement approval amounts.

Council Member Fraley-Monillas asked Dr. Distelhorst if the Ocutech lense is the only piece of equipment that could be used for this issue and whether or not there should there be three estimates provided to the Board. Dr. Distelhorst talked about the sight scope lense and how it meets the particular needs for sight impaired people (such as for other activities for daily living other than reading). In Dr. Distelhorst’s opinion, this piece of medical equipment is “spot on”

[appropriate] for the LEOFF 1 member's impairment [medical condition]. The LEOFF member is also getting injections that generally slow the process to blindness. The doctor feels he is getting the appropriate medical treatment in addition to the devices. Council Member Teitzel cited information from a Sept 7th, 2016 letter from the LEOFF 1 member's doctor which noted that this Ocutech lense is "the best and only device for the patient's condition. Council Member Teitzel stated that, going forward, he would like to see the 3 estimates requirement added to the [medical equipment and services] policy [to be further discussed later in the meeting].

Council Member Fraley-Monillas asked if the intent for today's meeting was to approve the policy on the reimbursement of Medical Service Expenses and/or Medical Equipment Costs that had been drafted previously. Ms. Hardie reminded the Board that a LEOFF 1 member had brought up the fact that the policy was still in draft form, had not been approved and was in yet in effect. Ms. Hardie stated that, for this reason, she had brought the draft policy back to be considered and discussed later at this meeting for that reason.

Chair Jones moved for approval of the bill of \$1,069.20 for the LEOFF 1 member of request based on medical necessity. Council Member Teitzel seconded the motion. The motion carried.

E. Viagra - \$1,009.53

Chair Jones stated that he remembered the Board approving other claims such as this one [for this particular item]. Chair Jones stated that, in the past, there had also been Board discussion about the drug Cialis being the same thing [as Viagra]. He also recalled that both were approved by the Board based on medical necessity. Council Member Teitzel asked Dr. Distelhorst about whether or not there were any generic brand drugs that could be used would serve the same purpose. Dr. Distelhorst stated that he did not know the answer to this, but promised to further look it up. He agreed that, in his opinion, it would be reasonable to prefer [the use of] generic drugs in a policy. Council Member Fraley-Monillas expressed that she was concerned about approving any drugs or equipment that supported a "lifestyle choice" such as Viagra, breast implants or other equipment and that these types of things may be considered recreational medications. Council Member Fraley-Monillas further stated that she did not think that any information gathered at the recent Disability Board Best Practices Conference [in Leavenworth] provided any support [for the approval of] any lifestyle drugs/medications.

Dr. Distelhorst stated that most major insurance companies do cover these drugs now and the justification for this is that these drugs work for erectile dysfunction which in an organ of the body that doesn't work. Dr. Distelhorst further explained that, similarly, obesity is a medical issue which started out to be "lifestyle issue" and is now classified as a medical issue. HR Director Hardie pointed out that there are policies available to the Board from other cities and counties for the Board to review on the reimbursement/approval of this particular item. Furthermore, the issue of coverage of reimbursement cost for Viagra has had mixed findings; some cities and counties do not have coverage and the ones that do appear to have a cap on reimbursement amounts. Legal representative Sharon Cates also pointed out to the Board that it is within their discretion to establish limits to amounts for reimbursement based on reasonableness. Ms. Hardie also reminded the board that because a LEOFF 1 member has a prescription may not necessarily establish medical necessity as was determined by the Board.

Council Member Fraley-Monillas further expressed her concern about raising taxes for various reasons; including a situation like this and [whether or not it was appropriate that] tax payers should be paying \$1000 for Viagra for a LEOFF 1 member. Board Member McComas brought up that the Board determines [medical] necessity, which is not based on costs to the City. He

further stated that his understanding is that this drug is not “recreational” but is a medication to address organ failure. He stated that the Board has responsibility to the LEOFF 1 members and not the tax payers. Board Member McComas further stated that his position is that he has responsibility to the members and needs to consider the member when making these decisions. Council Member Fraley-Monillas respectfully disagreed. Chair Jones reminded the Board again that this item has been covered [approved by the Board] in the past and if there was not a policy change that the Board should cover [approve] this reimbursement. Ms. Hardie again made the statement that the Board could agree to include in the policy the establishment a cap on reimbursement amounts. She also asked the Board if they wanted staff to go back to the member and ask for further documentation of medical necessity. Council Member Teitzel proposed that, going forward, the Board require a generic drug be the first choice and be tried for this situation before a more expensive, patented drug was used. Council Member Teitzel further pointed out in the prior conversation in the meeting, there had been reimbursement of a piece of equipment was approved for an eye failure (which is another organ of the body not working properly). Council Member Fraley-Monillas respectfully disagreed. She further stated that she questioned that the only documentation for this reimbursement provided by the LEOFF 1 member was a receipt from a pharmacy. Council Member Teitzel responded that, if there is an organ in the body that is not functioning properly and there is something can be prescribed that would address that problem; he thought it should be considered for reimbursement. Council Member Fraley-Monillas asked Dr. Distelhorst if there were any other organs in the body that also don’t function. Dr. Distelhorst responded that stomach ulcers, kidneys, the appendix, the pancreas and others [would be other organ examples].

Chair Jones made a motion to approve the reimbursement of this claim in the amount of \$1,009.53 for the LEOFF 1 member of discussion. Board Member McComas seconded the motion. Council Member Teitzel asked for further discussion on this topic and asked that the motion be amended to require the use of generic drugs be tried before any patented drugs. Chair Jones responded that he thought that would be covered with a policy. Ms. Hardie inquired as to whether or not the Board would like to make a motion to have legal draft a policy [since one does not currently exist, based on the Board discussion] and if so, the Board would need to provide Ms. Cates further direction for such a policy. Council Member Teitzel pointed out that the amount of this reimbursement request is high because it is for several months of the prescription and it seemed appropriate that, if a member wanted to come forward with a requested for reimbursement for a two or three month supply, the request should be made to the Board for pre-approval. Board Member McComas asked that if a patented drug worked for a member, but the generic did not would the Board also approve the patented drug then in those cases. Dr. Distelhorst mentioned that there are times where you would not want a patient to switch to a generic drug but most drugs would not have those issues.

As was previously noted, Chair Jones had made a motion to approve the reimbursement of this item in the amount of \$1,009.53 for the LEOFF 1 member of discussion based on medical necessity. Board Member McComas seconded the motion. Call for votes: Council Member Fraley-Monillas voted to not approve this reimbursement request and stated for the record that that she is opposed to approving the reimbursement of this “recreational drug.” The other four Board members approved the motion; the motion carried.

F. Prescriptions not processed or paid through insurance - \$104.34

Ms. Hardie stated that it is not clear why these prescriptions have not yet been processed through insurance. She stated that the insurance company [AMWINS] has informed the City that these prescriptions are something that could be covered by the insurance with additional

information from the medical provider [which the member would need to facilitate]. Ms. Hardie further stated that the member has been notified that they should follow up with the insurance company and/or their medical provide to get the prescriptions properly processed. The Board stated that they will consider further any reimbursement requests for these prescriptions after they are processed through the insurance company [AMWINS].

G. Visio S Book - \$1,542.50

Chair Jones reiterated for Dr. Distelhorst's benefit that, with the original request for reimbursement for this item, the Board approved payment of half of the requested dollar amount. Furthermore, in his opinion, this device is something the member had done a great amount of research on and was purchased at the best price available and that it was the only device that appears would help him. Chair Jones further pointed out that the LEOFF 1 member did provide a prescription for this device. Council Member Teitzel stated that the Board also had been provided additional information from the doctor about the necessity for the member for everyday living. Council Member Fraley-Monillas requested that, going forward, members be required to get three estimates on such items and pre-approval by the Board before buying any such medical equipment. Council Member Teitzel expressed his appreciation of the effort of the member to provide the necessary information for the Board to make a decision based on medical necessity.

Council Member Fraley-Monillas mad a motion to approve the remaining reimbursement amount for the LEOFF 1 member of discussion in the amount of \$1,542.50 based on medical necessity. Council Member Teitzel seconded. The motion carried.

H. AREDS - \$256.48

Dr. Distelhorst talked about study results on this particular vitamin supplement and gave the board an information handout from his research prior to the Board meeting on it. Council Member Fraley-Monillas asked about whether this item was a vitamin or a drug. Dr. Distelhorst said this item, is more like medication based on the medical condition for which the member is being treated.

Board Member McComas mad a motion to approve the reimbursement request to the LEOFF 1 member of discussion in the amount of \$256.48. Chair Jones seconded the motion. The motion carried.

The Board went out of executive session at 10:36 am and back on the record.

I. Correspondence

Ms. Hardie explained that there was a letter that had been submitted to the Board from the Retired Firefighters of Washington (Richard Warbrouck). This letter was also sent to the Mayor. Ms. Cates stated that, based on the information she had, the Board is following statutes accordingly and that she does not have any information that would lead her to believe that human resources is "interfering with the processing of any LEOFF 1 member's reimbursement requests." For this reason, there will be a letter of response provided to Mr. Warbrouck to this effect. Mr. Earl Barnard spoke to the Board and stated that Mr. Warbrouck may have misunderstood what the city attorney had said. Mr. Barnard explained that he had an excess pension concern and that when the Fire Department left in 2010, that the city attorney at that time determined that an adjustment using the Fire District as a comparator was not appropriate. Ms. Hardie stated that the Mayor is aware of this situation and that he has been working with HR to look at whether or not an adjustment should be made.

J. Review of the Medical Service Expenses and/or Medical Equipment Policy #11-16

Council Member Fraley-Monillas made a motion to approve the above referenced policy for Reimbursement of Medical Services Expenses and/or Equipment. Council Member Teitzel seconded the motion. The motion carried.

Councilmember Teitzel additionally requested that the Board policies be changed in appearance so that the policy number is noted right next to the name of the policy and is more readily recognizable.

K. Medicare Advantage – notification to members who belong to Edmonds Family Medicine Clinic

The Board had some discussion about a letter of correspondence from a LEOFF 1 member from Edmonds Family Medicine Clinic (EFMC). The letter stated that EFMC was not going to accept regular Medicare Plans A & B, but that they would only accept Medicare Advantage. Dr. Distelhorst stated that this is common. Ms. Hardie stated that the LEOFF 1 member had requested that a letter from the board be provided to Edmonds Family Medicine stating that any medical expenses not covered by Medicare would be covered [paid] by the Edmonds Disability Board and that would suffice instead. Ms. Hardie stated that she did not believe this would be possible since there are certain medical expenses that could be subject to Board approval. After some further discussion, the Board agreed that this could not be done. In follow up, the Board requested that Ms. Hardie contact the LEOFF 1 member of discussion and inform them of the Board's discussion and to direct any further member questions to Chair Jones (whose medical clinic had provided a similar notice several years ago).

L. Review of Board draft policy regarding the appeals process (attached above) #12-16

The Board reviewed the above policy as written in draft format. Council Member Teitzel asked if meeting minutes are available to members after they are finalized. Ms. Hardie affirmed that they are available to anyone after finalized and placed on the City's website and sent out to LEOFF 1 members, and that member names are not included. There was further discussion by the Board about notes taken during executive session. Ms. Cates stated that the Board is not required to take minutes during executive sessions and that she recommends that we not take minutes during executive sessions.

Council Member Fraley-Monillas made a motion to approve the Board Appeals process. Council Member Teitzel seconded the motion. The motion carried.

M. Review of letter from the Board to LEOFF 1 retirees

Ms. Hardie presented a letter that the Board had requested be drafted at the last Board meeting which is intended to be sent to members reminding them of the Board's procedures for claims reimbursement. This letter was drafted to help clarify questions from the LEOFF 1 members. Chair Jones signed the letter on behalf of the Board to be sent out to LEOFF 1 members.

N. Copy of Board policies from other jurisdictions for the purposes of policy creation or updates (hearing aid policy, etc.)

Ms. Hardie pointed out that she had a stack of disability board policies that were obtained from other jurisdictions. Based on the volume of policies, she stated that she did not bring copies but offered to provide copies to any of the Board members who would like to have them. The Board asked about whether or not there was a comparison of Board policies that the Board could have made available to them, such as putting the information into a spreadsheet. Ms. Hardie stated that, at one time in the past, HR had provided such an informational spreadsheet, but that it was not feasible from a limited time and staff perspective and the numerous amount of policies. The Board agreed that it was not feasible to do so. Ms. Hardie recommended that if the Board wanted to look further at creating new policies, that a separate meeting outside of the regular Board meetings (as has been done in the past) be scheduled for this purpose.

O. Information for the Board from the Disability Boards Best Practices Conference in Leavenworth, WA (8/24/16)

Information from the above referenced conference as presented for the Board in the Board packets for the Board to review.

Chair Jones adjourned the meeting at 10:58 am.