

CITIZENS HEALTH CARE WORKING GROUP

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Tuesday, June 7, 2005

1:15 p.m.

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Jackson Medical Mall
Suite 615 Committee Room
350 West Woodrow Wilson Drive
Jackson, Mississippi 39213

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APPEARANCES:

RANDALL L. JOHNSON, Chair
CATHERINE G. MCLAUGHLIN, Ph.D., Vice Chair
FRANK J. BAUMEISTER, Jr., M.D.
DOROTHY A. BAZOS, R.N.
MONTYE S. CONLAN
THERESE A. HUGHES, M.A.
AARON SHIRLEY, M.D.
DEBORAH R. STEHR

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1 P-R-O-C-E-E-D-I-N-G-S

2 (1:15 p.m.)

3 MR. JOHNSON: We'd like to welcome you to
4 our meeting here in Jackson, Mississippi. And we
5 certainly want to thank you, Aaron Shirley, for your
6 great hospitality and the great preparations.

7 The first item on our agenda calls for us
8 to approve the transcript of the April meeting and the
9 summary of the meeting. So I'm going to ask, although
10 George and I haven't discussed this, I'm going to ask
11 you, George, do you have any introductory comments to
12 the approval of these?

13 MR. GROB: The only comment that I would
14 add is that I know that the documents were circulated
15 for review and comments were incorporated. And we've
16 received all the comments.

17 MR. JOHNSON: We received a couple. Not
18 much in the way of comments, but it was an excellent
19 draft.

20 MR. GROB: So anyway there was an
21 opportunity and it was provided so --

22 MR. JOHNSON: So on this particular case,

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1 we probably need to formally approve them. And so may
2 I ask for a motion to approve the transcript of the
3 April meeting?

4 I heard a motion.

5 MS. MCLAUGHLIN: He moved. I'll second
6 it.

7 MR. JOHNSON: It's been seconded.

8 Any discussion?

9 MS. STEHR: Yeah, I just want to make one
10 caveat on the approval of the April meeting. We've
11 sent it out to --

12 MR. GROB: This is the May summary
13 actually.

14 MS. MCCLAUGHLIN: Oh, the May summary.
15 But Randy said --

16 MR. GROB: No, we're talking about the
17 April meeting right now.

18 MS. MCLAUGHLIN: The April meeting we sent
19 the transcript out to Senators Wyden and Hatch to have
20 them review their comments, and we haven't gotten word
21 back from them, but pending that.

22 MR. JOHNSON: Subject to the Senators

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1 Wyden and Hatch regarding their comments.

2 Yes.

3 Any further discussion?

4 Thank you, Caroline.

5 MS. MCLAUGHLIN: So this is not the May
6 one that we just got?

7 MR. JOHNSON: Right. April transcript,
8 May summary. Because you actually last time approved
9 the April summary already.

10 MS. HUGHES: So what are we approving now?

11 MR. JOHNSON: So what is in CD that some
12 of us received is the April transcript.

13 MS. MCLAUGHLIN: So that most of us
14 haven't looked at it yet, correct?

15 MR. JOHNSON: You may not have got -?
16 we're talking about the April transcript.

17 MS. MCLAUGHLIN: Right.

18 MR. JOHNSON: And Andy sent out an
19 opportunity for us to review this within the last
20 seven to ten days.

21 MR. GROB: Yeah, I apologize. I was
22 actually focusing on the May summary.

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1 MS. MCLAUGHLIN: Right.

2 MR. GROB: But the transcript, some of you
3 said you wanted it on CD.

4 MS. MCLAUGHLIN: Right.

5 MR. GROB: So you may not have looked at -

6 -

7 MS. MCLAUGHLIN: That's correct.

8 MR. GROB: -- the transcript
9 electronically --

10 MS. MCLAUGHLIN: That's correct.

11 MR. GROB: -- that you received. So you
12 may feel you're not ready to do this.

13 MS. MCLAUGHLIN: That's correct.

14 I think the problem is, Randy, is that
15 several of us said we wanted it on a CD.

16 MR. JOHNSON: Right.

17 MS. MCLAUGHLIN: That was the preferred
18 way. So we've been waiting for the CD.

19 MS. HUGHES: I also think that if you
20 looked at it, you know it's about 600 pages long.

21 MS. MCLAUGHLIN: Right.

22 MS. HUGHES: And with all honesty I have

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1 read some of it, but I have had some personal stuff
2 going on. I've been on family medical leave, and I
3 haven't finished all 600 pages. So I don't know. I
4 mean if you need to have it voted, I --

5 MR. GROB: No, we don't. We can --

6 MR. JOHNSON: Well, we have a motion on
7 the floor and seconded. That's why we have the
8 discussion on the vote.

9 MS. MCLAUGHLIN: We were confused. I
10 thought we were talking about the summary. I beg your
11 pardon. Because I did get back to you on the summary
12 with some changes.

13 So Andy also thought it was the summary.

14 Frank, did you move based on full
15 understanding?

16 MR. BAUMEISTER: I knew what he was
17 talking about.

18 MS. MCLAUGHLIN: So you're the smart one.

19 MR. BAUMEISTER: I followed this.

20 MS. MCLAUGHLIN: You did. You were on top
21 of things.

22 MR. JOHNSON: Am I hearing that you would

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1 like to postpone approval of the April transcript
2 until a later meeting?

3 MS. MCLAUGHLIN: Well, I mean I think --
4 what is there to approve or disapprove, if some of the
5 staffers can tell me? I mean what was on the
6 transcript was on the transcript; is that correct?

7 MS. TAPLIN: The transcript was the
8 transcript.

9 MS. MCLAUGHLIN: Right.

10 MS. TAPLIN: And there were -- Ken and I
11 did a light edit of it and found a very, very few
12 glitches.

13 MS. MCLAUGHLIN: Because it's just a
14 recording of what --

15 MS. TAPLIN: It's a recording, and there
16 were a few glitches when somebody's name didn't --
17 just was heard improperly. There's a lot of back and
18 forth conversation and some people didn't -- we had
19 that conversation about people and how they wanted to
20 be heard.

21 And we can't change the content, but if
22 you wanted to just sort clean up a little of the ums

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1 and ahs. I mean that's your option.

2 MS. MCLAUGHLIN: I know. Because the
3 summary is where it's interpretive and --

4 MS. TAPLIN: Right, right. The transcript
5 --

6 MS. MCLAUGHLIN: -- you have to make sure.
7 The transcript itself I don't feel the need to read
8 the 600 pages.

9 MR. GROB: If I could just comment. It's
10 entirely up to you, but standard practice would be
11 when transcripts are made that they are made available
12 to the members so that you have an opportunity to read
13 them.

14 MS. MCLAUGHLIN: Right.

15 MR. GROB: Many people focus on their own
16 remarks.

17 MS. MCLAUGHLIN: Right.

18 MR. GROB: And there is generally light
19 editing, as you say, which is again standard practice.
20 So it would be a common practice to approve them.
21 But they can, indeed, be approved at a later time when
22 you've really had the opportunity to look at them.

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1 And I do agree with the second thing you
2 said. The interpretive summary, I think, is more
3 critical.

4 MS. MCLAUGHLIN: Right.

5 MR. GROB: That's what people are going to
6 look at. But the transcript does serve as a record of
7 the meeting.

8 MS. TAPLIN: Right.

9 MR. ROCK: The only caveat I would add to
10 that is the Federal Advisory Committee Act that we
11 operate under ask that this be available publicly
12 within 90 days, so that's basically --

13 MS. TAPLIN: So that's where we're coming
14 off.

15 MR. ROCK: The 11th of next month.

16 MS. TAPLIN: Right.

17 MR. ROCK: We have a month to get it out.

18 MR. GROB: The answer to the question is
19 they ought to be approved. Let people have the
20 opportunity to read them.

21 MS. TAPLIN: Right.

22 MR. GROB: And you can do that at any --

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1 you know, as long as we meet that deadline.

2 THE REPORTER: I'm going to stop you.

3 MS. HUGHES: I move that since we just
4 have --

5 THE REPORTER: Excuse me. My name is
6 Steve Anderson. I'm the Court Reporter. I'm at a
7 disadvantage. I know no one.

8 So when you speak to keep that from
9 happening and not knowing who's speaking or the wrong
10 person got something, please address yourself. Make
11 sure the microphone -- you can hear yourself over the
12 mike. That way we'll have a real good transcript.
13 Okay?

14 MS. MCLAUGHLIN: Thank you.

15 THE REPORTER: Thank you.

16 MR. JOHNSON: Okay, we have a motion and
17 second and some discussion.

18 Is there further discussion?

19 MS. MCLAUGHLIN: Now that I know what
20 we've moved, I -- I don't even know how to turn it on.

21 THE REPORTER: It's on. Just identify
22 yourself, please.

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1 MS. MCLAUGHLIN: Catherine McLaughlin.
2 I'm ready to vote now that I have a clear
3 understanding of what we're voting on.

4 MR. JOHNSON: Any questions? Comments?

5 All in favor of approving the transcript
6 as written, raise your right hand.

7 MS. MCLAUGHLIN: We don't have to have the
8 friendly amendment --

9 MS. TAPLIN: Yeah, with the caveat.

10 MS. MCLAUGHLIN: Yes.

11 MR. JOHNSON: Correct.

12 All opposed.

13 The transcript for April is approved.

14 The next item that we have is a summary of
15 the May meeting, and it's been delivered to us. And
16 I'm wondering if you have had sufficient time to read
17 it. And if you have not, we can postpone the approval
18 until a later time.

19 But if you have had sufficient time to
20 read it, then I would entertain a motion to accept the
21 summary as written.

22 I have to admit that I have not had a

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1 chance to read this. So if you are like me and you'd
2 like to read it, we can postpone a vote on this until
3 tomorrow if you wish. Just briefly we can handle this
4 or until the next meeting.

5 MS. MCLAUGHLIN: This is Catherine
6 McLaughlin again. Andy, is this the one you sent us a
7 little while ago and I sent you comments on so that I
8 know now what I'm talking about?

9 But, no, this is the one that, as I said,
10 I think we should have a chance to read. I did read
11 it, and, again, I read what you said I said and sent
12 you a few clarifications because you weren't sure.

13 But I think everyone should at least read
14 what they said and sign off on it before we vote.
15 That's my recommendation.

16 MR. JOHNSON: Any other input?

17 Well, I'm hearing silence to a
18 recommendation that we postpone voting on this. And
19 that would be my inclination too, unless you all
20 differ with that. So why don't we postpone this?

21 So would be tomorrow sufficient time to
22 review this?

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1 We'll bring this up again before we close
2 our meeting tomorrow for your --

3 The next item on the agenda calls for us
4 to have a discussion about what we've heard in our May
5 meetings. You may recall that we had hearings after
6 hearings, and a lot of material was presented. We
7 also had foundational briefings, and a lot of material
8 was presented there.

9 And what the staff and I heard was that
10 you might want to spend some time talking about some
11 of the information that we shared in those meetings,
12 those hearings.

13 So we'd like to take some time just to
14 hear your input regarding that at this time in case
15 there is material you would like to cover, talk about
16 that was discussed in those May hearings and
17 foundational briefings.

18 Open it up for any comments.

19 MS. MCLAUGHLIN: Well, I think one of the
20 questions, Randy, was that several people after some
21 of the presentations noted that they didn't always
22 agree with things that we heard. And Richard is not

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1 here, and Mike is not here.

2 Several people said, "Gee, I'm not sure I
3 think that is correct."

4 And in fact, Mike O'Grady afterwards said,
5 "I was at CRS for years, and I don't think I ever
6 heard those numbers."

7 And so I think that there was some desire
8 on the part of some members of the Working Group for
9 there to be time that we can have those kinds of
10 exchanges among us. It's kind of too bad that a third
11 aren't here and that several weeks have gone by. But
12 I don't --

13 MR. JOHNSON: You're right. We did have
14 some of those comments. And we were thinking this.

15 We asked the question: Do we challenge
16 those who are providing information to us?

17 And initially I was a little bit
18 ambivalent personally about that. But the more I
19 thought of it, the more personally I thought, well,
20 these are supposed experts. These are people who are
21 coming in to share their information with us.

22 So if we feel uncomfortable or if we

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1 differ with what they're saying, maybe we ought to
2 address that with them to have them explain more some
3 of their rationale and some of their background.

4 So one alternative is to discuss it after
5 they leave. But another alternative is to clarify
6 what is it that we don't agree.

7 For example, if Frank were to make a
8 statement regarding health care in Oregon, and I would
9 have read something else and those statements are a
10 difference, would it be helpful to get a clarification
11 from Frank? Or why is it that he's saying what he is?
12 What is the background of the other statements?

13 So we have -- that's a question, I think,
14 that we should decide how we're going to respond that.

15 But there's the other issue of are there
16 some things that we covered that you wanted to bring
17 up as well for discussion by the Working Group. Some
18 areas needing clarification, amplification, anything
19 like that.

20 MS. MCLAUGHLIN: I'm looking at the
21 transcript -- I mean at the summary, trying to
22 remember.

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1 MS. BAZOS: I know. I'm trying to
2 remember too.

3 DR. SHIRLEY: Is the question -- Aaron
4 Shirley -- when there might be some question about
5 specific data or comments during an expert's
6 presentation there would be room at some point to ask
7 for clarification?

8 MR. JOHNSON: Aaron, I think there are two
9 issues. One is the one that Catherine brought up.
10 And that's a very valid point.

11 The other is, as I understood it -- and
12 I'm looking for clarification from the rest of you as
13 a Working Group. As I understood it, there were some
14 who felt I've received a boatload of information.
15 Those are my words, not yours. But the concept is I
16 received a lot of information today and it would be
17 just nice to have an opportunity where we as a Working
18 -- for us as a Working Group to digest some of that
19 together. And my recollection is that some of you
20 here made some statements like that, as well.

21 MS. HUGHES: Therese Hughes. Randy, I
22 agree with the comment, "getting a boatload of

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1 information." I think that I'm feeling at an absolute
2 blank-out right now to discuss something that happened
3 the 12th, 13th of May because -- well, for many
4 reasons.

5 However, I would like to ask if it would
6 be possible to have that opportunity to discuss it
7 maybe after a speaker left which would mean that
8 somebody would have to get back to the speaker if
9 there were discrepancies in information given.

10 But I think I had a lot that I thought of
11 at the last meeting concerning the information, but I
12 don't have a clue where it is right now inside of my
13 mind.

14 MR. JOHNSON: Where you differed with the
15 speaker?

16 MS. HUGHES: Yes, where I differed with --

17 MR. JOHNSON: Or were you just looking for
18 some clarification?

19 MS. HUGHES: Well, both, both. But I mean
20 this is a bit --

21 MR. JOHNSON: It's so long ago.

22 MS. HUGHES: I'm mean maybe I'm just the

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1 only one. This is long ago for me. I mean I've lived
2 several lifetimes between our last meeting. This is
3 like really far away.

4 And so I just think that since that does
5 happen to us, maybe if we could work it into the
6 agenda after the hearings to do that, it could -- I
7 wouldn't be non compos mentis.

8 MS. CONLAN: This is Montye Conlan. I
9 just wanted to mention that there were a couple of
10 issues that I brought up in questioning during the
11 hearings. And then I found some supporting
12 information to clarify that.

13 And I sent an e-mail to Catherine was it
14 appropriate to bring it to this meeting. And she said
15 to send it to Caroline, and so I did even though I
16 didn't think it was really about state initiatives.
17 And I was unclear how to handle that.

18 So perhaps we could have that session
19 right after the hearing. But then if we had
20 supporting documentation or information, there would
21 be another time when we could gather that and bring it
22 back to the group because I wanted -- sometimes I say

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1 things like, well, I've heard or I think. I always go
2 back and try to research that because I don't think
3 it's really good to bring secondhand hearsay.

4 And so when I had the opportunity, that's
5 what I did. And I wanted to submit that. And I don't
6 know what happened to it.

7 MS. TAPLIN: Our e-mail died for a week.

8 MS. HUGHES: Oh.

9 MS. MCLAUGHLIN: And this is a process
10 issue, rather -- this is Catherine again?-- a process
11 issue, Montye.

12 So I don't know if you want to talk about
13 it later in the agenda, Randy.

14 But I guess the members of the Working
15 Group should have very clear instructions of to whom
16 do we send stuff. I mean, because I obviously
17 misinterpreted and thought it was state and local
18 initiative stuff and that Caroline was the person I
19 knew who was dealing with that on the staff.

20 But maybe there is a point person that
21 everybody should send things to, you know, potentially
22 George, I don't know, who then will distribute it to

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1 the appropriate staffer. I don't know.

2 MR. JOHNSON: Well, let's ask George.
3 You've been involved with other Commissions and Working
4 Groups. How have other Working Groups handled the
5 types of questions that are being brought up here and
6 what are your thoughts?

7 MR. GROB: Well, there are two separate
8 questions. One of them is how to handle the question
9 when there is a possible disagreement here, a
10 clarification when a speaker is speaking.

11 And then the second one is whether or not
12 there are topics that people would like to talk about.

13 I think we handle it separately.

14 Let me take the second one first. I think
15 if the members can let us know particular topics that
16 they would like to talk about, then what we could do
17 is when we have the next meeting, we can gather up
18 some information on that topic and put it on as a
19 topic for discussion among the members.

20 That's what I heard the last time. There
21 were several that said there was so much, and we would
22 just like to talk about some of these things.

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1 So a good way to do that is to come to a
2 meeting when you know the topic will be discussed and
3 where you'll receive some information about it. So I
4 think that's what I would suggest for that.

5 You can just send that information
6 directly to me. But I would also ask you to send that
7 to Caroline. The reason is because Caroline will be
8 kind of a repository of all information. And she can
9 help you with it. And send it to the both of us. And
10 then we'll bring that up in preparation for the next
11 meeting. That's what I would suggest about that.

12 My sense of the discussion that I've heard
13 or that's been said to me, I think, you know, there
14 may be disagreement or questioning or whatever or need
15 to discuss what a speaker said.

16 I think the people who are providing
17 testimony are generally expecting there may be some
18 of those kinds of reactions. I think it's not
19 unusual. My experience is congressional testimony or
20 town governments, when people who are experts come,
21 it's not uncommon for the members of the panel to ask
22 some questions and even challenging questions as a

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1 matter of fact.

2 That would be what I would think. But
3 again I think that's something that you can adopt your
4 own rules and sensitivities -- but if you would ask
5 me, I'd say open this --

6 MS. MCLAUGHLIN: I think that also, you
7 know, you think about what you were saying about
8 witnesses, etc., made me think of juries and trials
9 and, yes, when the witness is up there, both attorneys
10 get to challenge and ask follow-up questions and the
11 judge. But then the jury deliberates afterwards.

12 It sounds to me that's where we're sort of
13 going, that we do want to be able to ask challenging
14 questions, back-up questions of the witness while he
15 or she is there. But that we want to be like the jury
16 and discuss it amongst ourselves afterwards and maybe
17 asking for supplementary documents then.

18 And certainly those of us on the Report
19 Committee have -- and we brought this up from the very
20 first meeting, that we want to make sure that what is
21 in our report has some external validity and that we
22 don't want to put something up there and have a whole

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1 group of people say but, sorry, that number is not the
2 right number. We can prove it. Or you forgot this
3 whole set of experiments. Or you used research that
4 people have found serious problems with.

5 And we have to make sure we have done due
6 diligence. And I think that part of that is
7 consistent with what we hear in hearings, too. That
8 in some cases we as a group may want to say how do we
9 want to handle that in our report?

10 Do we want to accept that, or do we think
11 there may be countervailing research that suggests
12 that what we heard is that person's opinion and it may
13 even reflect their own personal experience, but may
14 not hold up against further investigation?

15 And so that's more like the jury
16 deliberations, if I've interpreted what you said,
17 George.

18 And so I think for the report and then
19 later when we do all these committee meetings, etc.,
20 that we have to be able to act like a jury in that
21 sense and deliberate what we've heard before we decide
22 what we want to put in our recommendation.

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1 So I think both for the report as well as
2 in the other processes down the road we do need this
3 opportunity because evaluation and research can play
4 an important role in helping us put the personal
5 stories that we hear in context and may make us better
6 able to then communicate what we've learned.

7 MR. GROB: Thank you for clarifying my
8 statement with your remarks. In all the places where
9 I've been, it's always been regarded as appropriate
10 for Commission members, Council members to ask
11 questions of the presenters. It's generally not
12 regarded as productive to debate them.

13 MS. MCLAUGHLIN: Right.

14 MR. GROB: But to ask questions, yes,
15 always. And even pointed questions. Then it seems to
16 me that it could lead to discussion and you have two
17 options. You can leave room for a discussion period
18 at a future hearing, or any public meeting, just set
19 aside a time for discussion, and that's a common thing.

20 Or as I said before, if you guys said, well, we'd
21 like to hear more about that and further discussion at
22 the next meeting, I think either one of those would

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1 work. Those are some suggestions.

2 MR. JOHNSON: So what I'm hearing in our
3 discussion, I'd like to summarize and see if we're all
4 on the same page. We will ask questions of the
5 presenters when they are here, if we hear something
6 that is questionable based on our experience.
7 Obviously we will treat them with respect.

8 And what I'll try to do also as the Chair
9 is provide you an opportunity toward the end of their
10 discussion to ask questions of that nature.

11 But then we will also look for an
12 opportunity from time to time just to have some
13 further conversations among us as a Working Group.

14 And Catherine's term we'll be kind of
15 acting as a jury is not too far off. We will be
16 assessing what we hear, all sides of what we hear when
17 we do a report and when we make recommendations and so
18 forth.

19 Is that a consensus we can feel
20 comfortable with? Deborah, are you feeling okay about
21 that or?

22 MS. STEHR: Yeah, as long as it ?- this is

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1 Deb. Yeah I feel comfortable with that, except that
2 the discussions, I think, have to happen fairly soon
3 after we've heard the speakers. We can't wait until
4 the following meeting a month or so later because it's
5 too old.

6 MS. BAZOS: This is Dottie Bazos. I'd
7 like then in our discussion period to not just talk
8 about the facts that we've just heard. But I think
9 we're growing in maturity as a group, and we need to
10 have products developed. And I think we need to know
11 each other better in a group.

12 I would like our discussions to be about
13 the facts, but also taking those facts and putting
14 them into the context of our mandate so that we could
15 think about these facts in a more global sense as
16 well. I mean we heard Medicaid, but I'd like to talk
17 about Medicaid in relationship to Medicare, the VA,
18 and other systems or in relationship to our mandate.

19 So if that could be addressed.

20 MR. JOHNSON: Well, thank you very much.

21 Any other comments on this subject?

22 Well, why don't we move then to an

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1 Executive Session. And this will be an off the
2 record discussion. We have a number of staff people
3 here, and George and I just briefly shared three
4 sentences before the start. And at least my
5 perspective in hearing your thoughts is it would be
6 helpful for everybody to hear the following
7 discussion, so we won't ask anybody to leave. But it
8 will be an off the record, the public record,
9 discussion as we talk about the Executive Report and
10 committee meetings and so forth.

11 (Whereupon, this session went off the
12 record.)

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