I. PURPOSE AND ROLES

A. TASK FORCE CHARGE

The Legislative Joint Task Force on Health Care Cost Review is to study the feasibility of creating a hospital rate-setting process modeled on the process used by the Health Services Cost Review Commission in Maryland. The Task Force needs to address but is not limited to:

a) How such a rate-setting process would impact the accessibility and cost of health services currently provided in this state, promote quality care and impact overall medical cost containment;
b) How a rate-setting process would interact with and impact coordinated care organizations, the Public Employees’ Benefit Board, the Oregon Educators Benefit Board, other state programs purchasing health care and other cost containment efforts;
c) The potential impact on health insurers;
d) The likely cost of the rate-setting process;
e) The potential need for and likelihood of obtaining a waiver of Medicare requirements similar to the waiver obtained by the commission in Maryland; and
f) Why similar efforts to create a hospital rate-setting process in Washington and other states failed, were not implemented or were withdrawn from consideration.

The Task Force is to provide a report to the Legislature by September 15, 2018

B. TASK FORCE DUTIES AND RESPONSIBILITIES

1. Membership and Term
Task Force members are appointed by the President of the Senate, Speaker of the House of Representatives and the Oregon Association of Hospitals and Health Systems. Additional members include Directors of the Department of Consumer and Business Services (DCBS) and the Oregon Health Authority (OHA), and Chairperson of the Oregon Health Policy Board.

Vacancies for any cause will be made by Legislative leadership or respective appointing authority.
The Task Force will convene beginning in November 2017 and will present its report to interim Legislative committees in September 2018. Unless so requested by the Legislature and agreed to by the Task Force, the Task Force’s responsibilities will conclude at that time.

2. Task Force Member Responsibilities
Members of Task Force agree to fulfill their responsibilities through attending and participating in Task Force meetings, studying the available information, and participating in the development of a report. Members agree to participate in good faith and to act in the best interests of the Task Force and its charge. To this end, members agree to place the interests of the State above any particular political or organizational affiliations or other interests. Members accept the responsibility to collaborate in developing potential recommendations that are fair and constructive for the State.

Members are expected to consider a range of issues and options to address them, discuss the pros and cons of the issues/options presented and deliver a set of report with key conclusions reflecting the “sense of the group”. For all recommendations adopted, the Task Force should include the rationale behind them.

Task Force members acknowledge that their role is to provide advice and frame policy choices and that final decisions on Task Force recommendations, if any, rest with the Legislature.

Specific Task Force member responsibilities include:
- Review background materials and analysis to understand the issues to be addressed in the review process;
- Work collaboratively with one another to explore issues and develop recommendations (if applicable);
- Attend Task Force meetings, including presentation of the Task Force report to Legislative Committees; and
- Consider and integrate general public input into Task Force findings as appropriate.

3. Role of Legislative Policy and Research Office (LPRO) and Executive Agencies
The Legislative Policy and Research Office (LPRO) will provide technical support, substantive expertise, logistical assistance, administrative assistance, and advice to the Task Force. LPRO staff will provide notice of the time and place of Task Force meetings at least one week in advance, including posting on OLIS.

The Oregon Health Authority (OHA) and Department of Consumer and Business Services (DCBS) shall assist the Task Force by furnishing information and advising the members.

4. Chairperson Role
The Chair will encourage full and safe participation by members in all aspects of the process, assist in the process of building consensus, and ensure all participants abide by the expectations for the decision-making process and behavior defined herein. The Chair will develop meeting agendas,
establish subcommittees if needed, and otherwise ensure an efficient decision-making process. The Chair will also serve as liaison between the Task Force and the Legislature.

C. TASK FORCE PRINCIPLES

The draft principles, listed below are to guide the decision-making of the Task Force, if members decide to develop and adopt recommendations. The principals can be revised if proposed by the Chairperson or by a majority of voting members.

- Achieves the Triple Aim (better health, better care, and lower costs)
- Promotes equitable access to care
- Aligns with state health reform initiatives
- Advances financing that is sufficient, fair and sustainable for all payers
- Supports paying for outcomes and value

II. OPERATING PROCEDURES

A. PROTOCOLS

All participants agree to act in good faith in all aspects of Task Force deliberations. This includes being honest and refraining from undertaking any actions that will undermine or threaten the deliberative process. It also includes behavior outside of meetings. Expectations include:

- Members should try to attend all meetings. If members cannot attend a meeting, they are requested to advise LPRO staff. After missing a meeting, the member should contact staff for a briefing.
- Members agree to be respectful at all times of other representatives, staff, and audience members. They will listen to each other to seek to understand the other’s perspective, even if they disagree.
- Members agree to make every effort to bring all aspects of their concerns about these issues into this process to be addressed.
- Members agree to refrain from personal attacks, intentionally undermining the process, and publicly criticizing or mis-stating the positions taken by any other participants during the process.
- Any written communications, including e-mails, blogs and other social networking media, will be mindful of these procedural ground rules and will maintain a respectful tone even if highlighting different perspectives.
- Members are advised that e-mail, blogs and other social networking media may be considered public documents. E-mails and social networking messages meant for the entire group will be distributed via the Facilitator.
- Requests for information made outside of meetings will be directed to LPRO staff. Responses to such requests will be limited to items that can be provided within a reasonable amount of time.
B. COMMUNICATIONS

1. Written Communications
Members agree that transparency is essential to the Task Force’s deliberations. In that regard, members are requested to include both the Chairperson and Task Force staff in written communications commenting on the Task Force’s deliberations from/to interest groups (other than a group specifically represented by a member); these communications will be included in the public record as detailed below and copied to the full Task Force as appropriate.

Written comments to the Task Force, both from individual Task force members and from agency representatives and the public, should be directed to LPRO staff. Written comments will be “bundled” and distributed by LPRO staff to the full Task Force in conjunction with distributions of meeting materials or at other times at the Chair discretion. Written comments will be posted to the Task Force web page.

2. Media
While not precluded from communicating with the media, Task Force members agree to generally defer to the Chairperson for all media communications related to the Task Force process and its recommendations. Task Force members agree to not negotiate through the media, or to use the media to undermine the work of the Task Force.

Task Force members agree to raise all of their concerns, especially those being raised for the first time, at a Task Force meeting and not in or through the media.

C. OPERATING PROCEDURES

1. Task Force Meetings
The Task Force will meet at times and places proposed by the Chairperson or by a majority of voting members.

Work groups, subcommittees or other advisory processes may be established by approval of a majority of Task Force voting members. Meetings of these groups will be conducted in accordance with these operating procedures.

A majority of voting members constitutes a quorum for the transaction of Task Force business. A Task Force member may participate by telephone for purposes of a quorum.

Meetings will be conducted in a manner deemed appropriate by the Chairperson to foster collaborative decision-making and consensus building. Robert’s Rules of Order will be applied when deemed appropriate.
2. Consensus Process/Voting
A consensus decision-making model will be used to facilitate the Task Force's deliberations and to ensure that the Task Force receives the collective benefit of the individual views, experience, background, training and expertise of its members. Consensus is a participatory process whereby, on matters of substance, the representatives strive for agreements that they can accept, support, live with, or agree not to oppose. Consensus means that no representatives voiced objection to the position and they agree not to oppose the position.

Members agree that consensus has a high value and that the group should strive to achieve it. As such, decisions on Task Force findings, analysis and potential recommendations will be made by consensus of all present members unless voting is requested by a Task Force member. Voting shall be by roll call. Final action on Task Force recommendations requires an affirmative vote of the majority of the Task Force members. A Task Force member may vote by telephone.

If no consensus is reached on an issue for proposed Task Force recommendation, minority positions will be documented. Those with minority opinions are responsible for proposing alternative solutions or approaches to resolve differences.

Members will honor decisions made and avoid re-opening issues once resolved.

3. Documentation
All meetings of the Task Force shall be recorded and written summaries prepared. The audio records shall be indexed and shall be posted on the Oregon Legislative Information System (OLIS) and placed with the Oregon Archivist in accordance with Oregon law. Meeting agendas, summaries and supporting materials will also be posted to the Task Force web page.

Interested parties may receive notice of Task Force meetings and access Task Force materials through eSubscribe.

At the end of the process, LPRO staff will draft a report that outlines the issues discussed, details the recommendations for which there is consensus and any remaining issues on which consensus was not reached.

D. PUBLIC STATUS OF TASK FORCE MEETINGS AND RECORDS

Task Force meetings are open to the public and will be conducted under the provisions of Oregon Public Meetings Law (ORS 192.610-690). Members of the public and legislators may testify before the Task Force upon the invitation of the Chairperson or at the invitation of the majority of the members of the Task Force. In the absence of a quorum, a Task Force may still receive public testimony.

Any meeting held outside the Capitol shall adhere to the same notice provisions of a regular meeting. Recordings should be made in the same manner as a regular meeting unless recording equipment is
not available. At a minimum, written summaries will be prepared noting attendance and any subject matter discussed.

Task Force records, including formal documents, discussion drafts, meeting summaries and exhibits, are public records. Communications of Task Force members are not confidential because the meetings and records of the Task Force are open to the public. “Communications” refers to all statements and votes made during Task Force meetings, memoranda, work projects, records, documents or materials developed to fulfill the charge, including electronic mail correspondence. The personal, private notes of individual Task Force members might be considered to be public to the extent they “relate to the conduct of the public’s business,” (ORS 192.410(4)).

E. AMENDMENT OF OPERATING PROCEDURES

These procedures may be changed by an affirmative vote of the majority of the members of the Task Force, but at least one day’s notice of any proposed change shall be given in writing to each member of the Task Force.