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Patients' Compensation Fund Advisory Board Meeting

Moderated by William Ritchie, M.D., FAAOS

Tuesday, November 19, 2024

3:07 p.m.

Office of Superintendent of Insurance

6200 Uptown Boulevard Northeast, Fourth Floor

Albuquerque, NM 87110

Reported by: James Cogswell

JOB NO: 6980913

A P P E A R A N C E S

List of Attendees:

William Ritchie, M.D., FAAOS, Board Chair (by
videoconference)

Kathleen J. Love, Board Vice Chair (by
videoconference)

Ray M. Vargas II, Board Member (by videoconference)

Alfonso B. Martinez, Jr., MSN, FNP-BC, Board Member
(by videoconference)

Mike Dekleva, Board Member (by videoconference)

Troy Clark, Board Member (by videoconference)

Vincent Ward, PCF Attorney (by videoconference)

Nick Autio, JD, Board Member (by videoconference)

Stephen Thies, OSI Attorney (by videoconference)

Jennifer Fetherolf, Integrion (by videoconference)

Chris DeWald, Integrion (by videoconference)

Jennifer Romero, OSI Law Clerk (by videoconference)

Debbie Luera, Integrion (by videoconference)

Annie Jung, New Mexico Medical Society (by
videoconference)

Debra Alvarez, OSI (by videoconference)

Samantha Reiss (by videoconference)

Joseph Herrera, OSI

Frances Nuno (by videoconference)

Melissa Robertson, OSI (by videoconference)

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P R O C E E D I N G S

DR. RITCHIE: Let's call the meeting to order. Let's call the roll, please.

MS. ROMERO: Okay. Let me start the recording first. Okay?

DR. RITCHIE: Yes. Thank you.

MS. ROMERO: Okay. For roll call, Chairman Ritchie?

DR. RITCHIE: Present.

MS. ROMERO: Vice Chair Love?

MS. LOVE: Present on the phone.

MS. ROMERO: Mr. Clark?

MR. CLARK: Here.

MS. ROMERO: Mr. Autio?

MR. AUTIO: Here.

MS. ROMERO: Mr. Dekleva?

MR. DEKLEVA: I'm here.

MS. ROMERO: Mr. Martinez?

Ms. Stevens?

Mr. Vargas?

MR. VARGAS: Here.

MS. ROMERO: Ms. Starace?

DR. RITCHIE: So --

MS. LOVE: Would someone watch for Ms. Stevens to sign in. She told me that she was

1 going to be a little bit late because she was having
2 to pick up her kids.

3 MS. ROMERO: Yes, I will.

4 MS. LOVE: Thank you.

5 DR. RITCHIE: So what is that number?

6 MS. LOVE: I have no idea. Sorry.

7 MS. ROMERO: Six. There's --

8 DR. RITCHIE: Six. Okay. So I
9 believe, per Mr. Ward, we do have a quorum. So let's
10 go to the agenda. Believe the first thing on it is to
11 go over the proposed report to the legislature.

12 And one of the committee members, if
13 they'd please start going through that, Nick or
14 whoever or Kathy.

15 MS. LOVE: Well, everybody's had a
16 chance to take a look over it. This was sort of a
17 result of, first, a meeting among the committee,
18 which, as a reminder, consisted of Nick and Troy,
19 Carmela and me.

20 And then I took a shot at a draft and
21 then punted a couple of portions of it over to Nick,
22 who took the laboring oars on a part of it, and
23 everybody on the committee had a chance to look at it.
24 And then we've sent it to all of you guys.

25 I don't know. I mean, it's really the

1 same format that we have used in the last -- in the
2 past years. And Integrion's good presentations to the
3 board have given us an opportunity to sort of add in
4 some graphics so that people can sort of visually see
5 where the fund stands.

6 And so I don't know that it's
7 necessarily worth it to go through paragraph by
8 paragraph. And I would just suggest that if anybody
9 has any issues that they want to discuss, that we go
10 through it issue by issue.

11 DR. RITCHIE: Hearing no objections to
12 that, then I have no problem with that.

13 Does anyone object?

14 Does anyone, then, want to start with
15 any issues, clarifications, questions?

16 Okay. I do. I will put on the record
17 that, yeah, for the number of covered people at
18 New Mexico Orthopaedics, according to the doctor's
19 company and the information to the OSI, is not
20 correct.

21 I don't know exactly what the number
22 is, but it's not 99. And so I don't think that
23 changes the report in any way. But like we said
24 earlier just a second ago, that we probably do need to
25 perhaps try to work on getting a little more accurate

1 data there, although I don't know that it will make a
2 large difference at this point. So that's the only
3 thing that I caught.

4 MS. LOVE: Bill, I'm curious. How big
5 of a discrepancy is it?

6 DR. RITCHIE: Oh, it's quite a bit. I
7 mean, it says 99, and we only have roughly 29
8 physicians. We've had a little up and down through
9 the year, through '23 -- or this date is from '24;
10 right? No.

11 MS. LOVE: Yeah. That's what we were
12 told.

13 DR. RITCHIE: Well, the doctor's date
14 is through '24 --

15 MS. LOVE: Oh, no. Sorry.

16 DR. RITCHIE: It's '23; isn't it?

17 MS. LOVE: Yeah.

18 DR. RITCHIE: Yeah. So either way, we
19 had a little bit of ups and downs.

20 MS. LOVE: Well -- yeah.

21 DR. RITCHIE: But still, yeah, I mean,
22 about 29 physicians. If PAs are included, there's
23 another 12, 15 of those. And that's about it. So
24 it's a fairly big discrepancy.

25 MS. LOVE: Yeah, that's a substantial

1 difference. Yeah. But it calls into question whether
2 or not the other numbers are correct. And I wonder,
3 Debbie -- is Debbie present at the meeting?

4 DR. RITCHIE: Yes.

5 MS. LOVE: I wonder, Debbie, if that
6 would be worth, before we send this out to the
7 legislature, if you could just take a look and see
8 what you think if maybe that's -- that list is a
9 mistake or if there's a reason for that discrepancy?

10 MS. LUERA: Absolutely. I'll take
11 another look at the data. What I was explaining, that
12 one of the nuances of the portal, which is where all
13 the coverage is uploaded, is that every time there's a
14 cancel and a rewrite -- like, you know, let's say
15 somebody goes on a leave, so they cancel their
16 coverage for just a short period of time.

17 Every time that happens, it actually
18 counts as one provider. So we do our best to try to
19 get a unique number, but we don't always hit the mark
20 on that. So I will definitely go back and take
21 another look at the data.

22 DR. RITCHIE: Okay. And that --

23 MS. LOVE: Yeah. Thank you. Because I
24 think that's pretty -- that makes me worry about the
25 other ones. And, you know, I just don't want to give

1 incorrect data to the legislature on this.

2 DR. RITCHIE: And I think the data may
3 have an asterisk anyway with regards to hospitals
4 because, with their models and hospitalists and locum
5 tenens and stuff, I don't know if there's a way to
6 indicate how many of the people they're covering are
7 full time, part time; how many of the people they
8 covered were only there for a couple months, and
9 someone else took the place.

10 You know, I think the data is going to
11 be fairly hashed up for hospitals.

12 MS. LOVE: And what are you referring
13 to? Are you referring to a chart?

14 DR. RITCHIE: Just the number of
15 covered employed physicians, PAs. Because with locum
16 tenens, they may only be there for a month or three
17 months or a week. And new ones may come in and out.

18 So, you know, the large number may not
19 represent the amount of money spent because you still
20 only -- they only paid for one week's worth of
21 coverage for a person. But that person got covered --
22 or got counted as one person covered according to this
23 data.

24 MS. LOVE: Yeah. I understand. But
25 what I'm not sure about is which chart you're

1 referring to.

2 DR. RITCHIE: There was a chart in the
3 data somewhere on number of covered lives. The chart
4 I'm talking about was coverage by the top -- the
5 covered number of independent physicians for the top
6 ten groups or something. I'm sorry. I can't get to
7 my computer right now.

8 MS. LOVE: Yeah. But that's entities.
9 And you referred to hospitals. And I was just curious
10 if there was a -- if there was data related to the
11 hospitals that you were wondering if it was accurate
12 to.

13 DR. RITCHIE: Well, that is --

14 MS. LOVE: I know where you're talking
15 about -- uh-huh?

16 DR. RITCHIE: That's kind of my point.
17 I don't know how accurate the hospital data is.

18 MS. LOVE: Right. But what hospital
19 data? Are you referring --

20 DR. RITCHIE: Well, if they have data
21 for the number of physicians that are -- number of
22 employed physicians that are covered.

23 MS. LOVE: Okay. So I'm looking at the
24 report. And there is a chart of independent versus
25 agent providers. There's a chart of surcharge by

1 provider type, and it shows how much was collected
2 from entities, hospitals, and individuals.

3 Then there's a breakdown of individual
4 providers, agent versus independent. And then there's
5 a trend of surcharges by provider type.

6 DR. RITCHIE: So I guess it's the
7 number of agent providers employed by the hospitals.
8 You know, if that number, what it represents exactly,
9 is one, you know, I mean, it could be changed by how
10 long they were employed by the hospital. Because of
11 locum tenens, et cetera, there may be many more
12 counted compared to individual ones.

13 MS. LOVE: Oh, so you're calling into
14 question the number of doctors?

15 DR. RITCHIE: Right. Yeah.

16 MS. LOVE: Okay. Okay. So you're
17 saying that the number of doctors in the chart for
18 independent versus agent providers -- you're
19 questioning whether or not those numbers are too
20 large?

21 DR. RITCHIE: Exactly. I mean, I know,
22 for my example, that the number for New Mexico
23 Orthopaedics is too large. And Debbie just kind of
24 explained why that may be with the portal and stuff.

25 And so I'm wondering if that also

1 applies to the hospitals, and it would be rather
2 magnified with regards to the hospitals because we
3 don't employ locums, et cetera, temps.

4 MR. VARGAS: For purposes of this
5 report --

6 MS. LOVE: Well, it sure seems like we
7 need to get some accurate data.

8 DR. RITCHIE: Yeah. I don't think it
9 matters for the report.

10 MR. VARGAS: Yeah. That was my
11 question. Does it matter for the purposes of just
12 getting this report out to the legislature and
13 satisfying our obligation? Okay.

14 DR. RITCHIE: I don't think so.

15 MR. VARGAS: Okay. Thank you.

16 DR. RITCHIE: The point was just to
17 Debbie, you know, to Integrion to -- that --
18 yeah -- that it -- I think it applies to everyone that
19 the data -- need to try to maybe find some way to get
20 it more accurate or somehow to specify or get a
21 feeling for, you know, the numbers, the comparative
22 numbers, or find a way to compare them.

23 Like, I don't know, more like "days
24 worked" or "weeks worked" or something. I don't know.

25 MS. LUERA: So I'm not sure that we'll

1 be able to do that. What we've been attempting to do
2 is pair this data down to unique names. Now, like you
3 said, if they're locums, you know, that's not going to
4 equate to an FTE.

5 DR. RITCHIE: Right.

6 MS. LUERA: Because we've got some
7 locums who have, like, 30, 40 lines of data in the
8 portal. And so we do try to, you know, condense that
9 down so it's just showing one name so that we're not
10 overstating the number of providers practicing.

11 And we do gather data on, you know, if
12 they're part time, full time because there's a
13 discount component that factors in there. I don't
14 know that we'd ever be able to compress it down to,
15 like, an equivalent FTE only because of how the data's
16 collected.

17 DR. RITCHIE: Okay. And that's fine.
18 I think it's just maybe saying that or stating that
19 somewhere, but not in this report.

20 MS. LUERA: Okay. Got it. I'll go
21 back and take another look at the data and see if --
22 and talk to our analytics team and see if there's a
23 way to sort of do a second pass at validating.

24 MR. VARGAS: Mr. Chair, I'd like to
25 make a motion to approve the report as drafted and

1 circulated by the committee.

2 DR. RITCHIE: Do I hear a second?

3 MR. CLARK: This is Troy. I second
4 that.

5 DR. RITCHIE: Okay. Any discussion?
6 Okay. Hearing no discussion, let's
7 have a roll-call vote, please.

8 MS. ROMERO: Chairman Ritchie, do you
9 approve?

10 DR. RITCHIE: I approve.

11 MS. ROMERO: Vice Chair Love?

12 MS. LOVE: Yes.

13 MS. ROMERO: Mr. Clark?

14 MR. CLARK: Yes.

15 MS. ROMERO: Mr. Autio?

16 MR. AUTIO: Yes.

17 MS. ROMERO: Mr. Dekleva?

18 MR. DEKLEVA: Yes.

19 MS. ROMERO: Mr. Martinez?

20 MR. MARTINEZ: I approve.

21 MS. ROMERO: Mr. Vargas?

22 MR. VARGAS: Yes.

23 DR. RITCHIE: Do you want to see if any
24 of the others are on?

25 MS. ROMERO: Ms. Stevens?

1 And Ms. Starace?

2 Okay.

3 DR. RITCHIE: Okay. Thank you.

4 So the report is approved. So that
5 will be presented to the legislature on, I believe,
6 the first day of the session.

7 Mr. Ward, I think that's correct.

8 MR. WARD: That's right. That's what
9 we've done in the past, so I'll make sure that it gets
10 delivered and work with staff to take care of that.

11 DR. RITCHIE: Thank you.

12 Next order of business then was
13 meetings for next year.

14 Ms. Luera, or do we have the schedule
15 of what -- when our meetings were approximately from
16 this year?

17 MS. LUERA: I can certainly pull that
18 up. Just give me one minute. Okay. The first
19 meeting was January 8th, and I believe that -- let's
20 see.

21 DR. RITCHIE: I believe that was for
22 this meeting.

23 MS. LUERA: That was --

24 DR. RITCHIE: Yeah.

25 MS. LUERA: Yes. To finalize the

1 report to the legislature. Now, that's already done.
2 The next meeting was in April. And that was for
3 report on PCF status, update regarding the legislative
4 session and impact on PCF, and discuss rate hearing
5 schedule. So that was April 9th.

6 DR. RITCHIE: Okay. And obviously, we
7 don't need to meet in January for this. I think that
8 maybe setting up that one meeting for the same purpose
9 again in the spring after the session.

10 And then, from there, we can set up the
11 other meetings because people will know their
12 calendars better by then.

13 Does anyone have an objection to that?

14 MR. CLARK: I agree. I think, if we
15 just pick the April meeting date, that would be the
16 preference that I'd have because I think everything
17 else is at risk of -- subject to being changed.

18 MR. VARGAS: Yeah.

19 DR. RITCHIE: Agreed.

20 So does April work for people again?

21 MR. VARGAS: How about we just do
22 April 8 again?

23 DR. RITCHIE: And anyone object to --
24 Well --

25 MR. VARGAS: That's a Tuesday?

1 DR. RITCHIE: Tuesday. How about do
2 people have any problem with Thursdays instead of
3 Tuesdays?

4 MR. VARGAS: No. Thursday's fine.
5 That's the 10th?

6 DR. RITCHIE: The 10th or one of the
7 other ones. Just Thursday afternoons are one of the
8 best for me.

9 MR. CLARK: Thursday the 10th works
10 really good for me.

11 DR. RITCHIE: Let's do it.

12 MR. VARGAS: That works for me.

13 MS. LOVE: Thursday the 10th would be
14 fine as long -- it'd be fine as long as we're done by
15 four.

16 DR. RITCHIE: That sounds like a great
17 goal.

18 MR. AUTIO: We say 2:30?

19 DR. RITCHIE: Two or two-thirty. No
20 preference.

21 MR. CLARK: I was going to suggest 3:45
22 to 4 o'clock.

23 MR. VARGAS: Second.

24 DR. RITCHIE: Hey, you're talking to a
25 surgeon here, man.

1 MR. CLARK: You don't realize how
2 efficient Ms. Love is.

3 DR. RITCHIE: That's it. We are
4 getting more efficient. So I think 2:30 probably
5 would give us enough -- what's that?

6 MR. CLARK: Two-thirty on the tenth
7 works for me.

8 DR. RITCHIE: Two-thirty on the tenth,
9 I agree.

10 MR. VARGAS: Yep.

11 MS. ROMERO: So does that -- in person
12 in Albuquerque, virtual? What's best?

13 DR. RITCHIE: I think, again, the
14 option like this, although, you know, have people try
15 to make it in person since it'll be a little more
16 involved than this one, although not a lot more.

17 But unless anyone has an objection to
18 that, the -- it's worked well at the OSI office, it
19 seems like, with the possibility of virtual.

20 MS. ROMERO: Got it.

21 DR. RITCHIE: Okay. So next meeting,
22 April 10, 2:30 in the afternoon. And is there any
23 other business?

24 MR. VARGAS: Mr. Chair, I'd like to
25 thank the members of the subcommittee that went to the

1 time and effort to prepare this report. We really
2 appreciate your hard work, guys. Great job.

3 DR. RITCHIE: And I'm certainly --
4 yeah, go ahead.

5 MR. AUTIO: No, all thanks goes to
6 Vice Chair Love.

7 And have a good holidays, everyone.
8 Good work this year. This was much smoother than the
9 other years.

10 MR. VARGAS: Absolutely.

11 DR. RITCHIE: Yes. I echo --

12 MS. LOVE: Thanks, everybody.

13 DR. RITCHIE: Thank you very much. The
14 committee did a great job, both the small committee
15 and the large committee. Really appreciate all the
16 work this year. It's working pretty smoothly and
17 efficiently and not wasting anyone's time.

18 So, everyone, have great holidays. And
19 we'll be seeing everyone in April virtually or in
20 person.

21 (Meeting adjourned at 3:27 p.m.)

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CERTIFICATE

I, JAMES COGSWELL, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

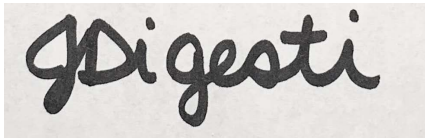


JAMES COGSWELL
Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, JENNIFER DIGESTI, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JENNIFER DIGESTI

[10 - certify]

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[cetera - equate]

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