

## Consumer Advisory Council

### Meeting Minutes

April 14<sup>th</sup>, 2020

Meeting Date	Meeting Time	Location
April 14 <sup>th</sup> , 2020	3:00 – 5:00 p.m.	Virtual Zoom Meeting

#### Participant Name and Attendance

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Jeffrey G. Beadle		Christiane Pimentel			
Alan Coker	X	Jason Prignoli			
Taylor Edelmann	X	Kelly Ray			
Robert Krzys	X	Ann R. Smith	X		
Velandy Manohar	X				
Terry Nowakowski					
Others Present					
Terry Gerratana (OHS)				Daniel Ogbonna (UCONN HDI)	
Ormand Clarke (OHS)		SB Chatterjee (Consumer)		Tom Hennick (FOIC)	
Dashni Sathasivam (HES)		Cara Passaro (Hartford Healthcare)			

Meeting Information is located at: <https://portal.ct.gov/OHS/SIM-Work-Groups/Consumer-Advisory-Board>

	Agenda	Responsible Person(s)
1.	<b>Welcome</b>	<b>Robert Krzys</b>
	<p><b>Call to Order</b> The scheduled meeting of the Consumer Advisory Council (CAC) was held on March 10<sup>th</sup>, 2020 virtually. The meeting convened at 3:04 p.m. Robert Krzys chaired the meeting.</p> <p>Members and other participants introduced themselves.</p>	
2.	<b>Public Comment</b>	<b>Robert Krzys</b>
	There was no public comment.	
3.	<b>Approve March 10th, 2020 Meeting Summary</b>	<b>Robert Krzys</b>
	The motion was made by Velandy Manohar and seconded by Robert Krzys to approve the minutes of the Consumer Advisory Council meeting of March 10 <sup>th</sup> , 2020. <b>Motion carried.</b>	
4.	<b>Discussion with FOI staff Tom Hennick</b>	<b>Robert Krzys</b>
	<ul style="list-style-type: none"> <li>• Tom Hennick introduced himself as the public education officer and gave an overview of the Freedom of Information (FOI) Commission and a history of the law. He explained that when a state agency creates a committee, this committee falls under the FOI law. This state law requires the state agencies to do their work in public. For example, meetings are properly noticed, open to the public and the minutes are made available to the public. Note that as a result of one of the Governor’s Executive Orders related to the pandemic subject to FOI allowed for meetings to be moved remotely in the context of COVID-19. These call-in number must be made available to the public.</li> </ul>	

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- Tom Hennick also shared that to comply with FOI, meetings must be regularly scheduled. A schedule needs to be sent to the Secretary of the State and each meeting must have written agenda that is made publicly available. At a special meeting, the items available for discussion are limited to those included on the agenda. Alternatively, during a regularly scheduled meeting, members can decide to discuss an item not included on the agenda if it is voted upon and approved. On the other hand, emergency meetings are not noticed. Because of this, minutes must be made public within 72 hours of the meeting and describe the nature of emergency that led to convening an emergency meeting, what is being done to address the situation, and what is going to be done going forward. In addition, when a sub-committee is created, for example a bylaws sub-committee, then that group effectively becomes like a public agency and those meetings are also governed under FOIA. He also noted that people can file a complaint if they believe they have been denied the rights granted under FOIA. If the FOI Commission finds that FOIA has been violated, then they can nullify a meeting. Note that even if a meeting convenes with less than a quorum, it could still be subject to FOI. If a meeting has a quorum, it is always governed under FOI. Public comment is not required under FOIA; not including space for public comment in the agenda does not violate the law. To have a meeting that excludes the public, an executive session may be convened. A reason must also be cited along with the decision approved by a 2/3 vote. After discussion within the executive session, members must come out of executive session to vote so that it can be taken in public and reflected in the minutes. He outlined the five possible reasons for convening an executive session: 1) personnel matter, in which case the person must be notified in advance. That person does not need to enter into executive session and can ask for the meeting to be held in public, in which case, the body must do so; 2) a legal matter; 3) a security measure; 4) land transactions; 5) discussion of documents that are exempt from disclosure. This requires a legal notice and privacy would be covered under attorney-client privileges. Minutes are needed. They can be a short high-level summary of what happened and must be made available within 7 days, with one copy sent to the FOIC and another sent to the Secretary of the State.
- Tom Hennick discussed questions regarding how emails are subject to FOI. He cited that meeting could include “any hearing or any communication in person or by means of electronic equipment.” He noted that an email about meeting logistics, a request to add an item to the agenda or a question is seen as fine; however, all substantive discussions about council business should happen in public meeting settings. Note that emails can be requested and would be obligated to be produced so he cautioned members about what they include in email exchanges. Records requests pertain to documents related to council business as these become a public record. It does not matter if the server from which they are being sent is a state or private server. The law is not meant to be punitive and rather just ensure transparency and allow people to know what is happening. A provision in the law has been enacted to protect against a requestor that is being vexing. If there is a potential concern or issue, he urged members to call the FOI Commission first prior to acting.
- Robert Krzys understood Tom Hennick’s definition of a meeting to be largely based on presence of a quorum. He asked if in between public meetings what would happen if 2 or 3 people informally got together over lunch and ended up talking about council business, short of a quorum. He asked if that was okay.

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	<ul style="list-style-type: none"> <li>• Tom Hennick stated that if the group is doing substantive work of the council, such as by-laws sub-committee or executive sub-committee, then that would be considered a proceeding. However, a broad discussion about business of the council short of a quorum is likely fine. However, he urged everyone to be careful since a group conversation short of quorum could, in some instances, be considered a de-facto subcommittee. He referenced an appellate court discussion that has narrowed the definition of a proceeding and noted that the decision by the Supreme Court is still pending.</li> <li>• Robert Krzys inquired about emails, such as if he wanted to talk about a subject that has come before the council or sub-committee of the council. He asked if he could email another member of the council and if that communication would then be subject to records request.</li> <li>• Tom Hennick noted that yes, once something is put in writing, it falls under the definition of public record. If it is asking a simple question or innocuous comment, it would be fine. The only way around that would be if it falls under an exemption. Otherwise, anything in writing would be disclosable under FOI.</li> <li>• Robert Krzys asked about executive session. He referred to the bylaws and the cause for removal of a council member for example due to attendance. To discuss that subject, he asked if that would be an appropriate circumstance to convene an executive session.</li> <li>• Tom Heddick affirmed that would indeed be an appropriate case, though noted that the person could ask for the meeting to be public.</li> <li>• Robert Krzys thanked Tom Hennick for his insights and for taking the time to answer the council's questions.</li> <li>• Tom Hennick stated that he is happy to take calls or emails if members have further questions.</li> <li>• Terry Gerratana asked if a social gathering of council members would be subject to a meeting proceeding.</li> <li>• Tom Heddick stated that social and chance gatherings are fine and do not have to be made public, and suggested to keep business matters light. This is also true if the board wanted to convene and attend another board's meeting.</li> </ul>	
<p><b>5.</b></p>	<p><b>Status of Membership drive for CAC &amp; Membership Committee selection.</b></p>	<p><b>Robert Krzys</b></p>
	<ul style="list-style-type: none"> <li>• Robert Krzys summarized what was needed to implement the bylaws and underscored the urgency given that the CAC is in the process of adding members. He noted that it is the duty of the CAC chair to appoint the standing sub-committee chairs. The Membership committee chair, needs to establish membership of this sub-committee in April. Also, in April, they are to prepare a report that outlines an additional slate of candidates for recommendation of future CAC memberships. This would be discussed with the whole council at the June meeting.</li> <li>• Robert Krzys stated his intention to appoint Terry Nowakowski as the chair of the Membership committee. It would be her task to form the nominating committee.</li> <li>• Robert Krzys stated his intention to appoint Velandy Manohar as chair of the Consumer Outreach &amp; Engagement committee. He also suggested that Taylor Edelman join that committee given his professional background as a community health worker. He further suggested that Alan Coker join given his interests. He noted that other members are free to join this committee.</li> </ul>	

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	<ul style="list-style-type: none"> <li>• Robert Krzys asked Velandy Manohar if he was willing chair the Consumer Outreach &amp; Engagement committee</li> <li>• Velandy Manohar stated that his biggest concern was regarding his technological skill set to organize committee meetings, though noted that he is very passionate about consumer engagement.</li> <li>• Terry Gerratana responded that the chair will work with OHS staff and receive the technical support needed to set up and execute meetings. The work of the committee is to plan the calendar and make decisions on the priorities of consumer engagement. She affirmed that there would be support from OHS and the consultants.</li> <li>• Velandy Manohar asked how can the CAC support consumers and the state moving forward amid the pandemic.</li> <li>• Terry Gerratana advised that by July there would be outlines for the year. At the annual meeting the Executive Director of OHS will give a report of what OHS will be doing, which could inform what the CAC will do. For example, a virtual townhall.</li> <li>• Robert Krzys appointed Velandy Manohar as the chair of the Consumer Engagement and Outreach committee. He asked Alan Coker and Taylor Edelmann if they would join this committee.</li> <li>• Alan Coker affirmed that he would sit on the committee.</li> <li>• Taylor Edelmann affirmed that he would like to sit on the committee, but also noted that he wanted to ensure he would have the capacity to serve on the committee. He also noted that he runs a LGBTQ support group and is interested in engaging them in CAC efforts. He also would like to engage communities where he works and lives.</li> <li>• Robert Krzys noted the value that both members would bring and urged other members of the CAC to join this committee.</li> <li>• Robert Krzys stated that he will reach out to Terry Nowakowski about her chair appointment. The Membership committee’s immediate work includes a establishing a nominating committee and reviewing current membership applications including Daniel Ogbonna.</li> <li>• Terry Gerratana noted that there are 4 more membership applications to consider for membership.</li> </ul>	
<p><b>6.</b></p>	<p><b>Consideration of membership for Alan Coker, Andre McGuire, and Peggy Lampkin</b></p>	<p><b>Robert Krzys</b></p>
	<ul style="list-style-type: none"> <li>• Robert Krzys gave a brief overview of Alan Coker’s request for a reinstatement to as a member of the CAC.</li> <li>• Alan Coker responded by providing his rational for his decision to wanting to come back and serve on the CAC. He feels that the CAC can play a real role for helping underserved communities and is looking forward to being involved and active and showing up at events.</li> <li>• Ann Smith moved to reinstate Alan Coker to the CAC. Velandy Manohar seconded. <b>Motion carried.</b></li> </ul>	
<p><b>7.</b></p>	<p><b>Approval of final reports for New London and New Britain. Discussion of CAC recommendations to OHS and sharing report with participants</b></p>	<p><b>Terry Gerratana</b></p>
	<ul style="list-style-type: none"> <li>• Velandy Manohar noted that he sent his feedback on both reports to Quyen Truong.</li> </ul>	

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	<ul style="list-style-type: none"> <li>Terry Gerratana stated that the reports are currently in draft form and that the goal is to finalized them and make them public. Terry Gerratana noted that comments have been made, but are still in the process of being incorporated.</li> <li>Terry Gerratana briefly led a discussion about the recommendations. She would like all reports from CAC going forward to include recommendations as well as potential actions to take. She noted that she is in the process of synthesizing the recommendations. She will use these to inform her own feedback to OHS on what it can do as an agency to promote or address and implement these recommendations. She is planning to organize a team meeting with OHS staff to receive their comments. She noted that this is just a starting point and could be effective in planning of CAC activities.</li> <li>Terry Gerratana suggested to approve the finalized report to the next meeting.</li> <li>Robert Krzys agreed it would be appropriate to hold off on approving the reports to the May meeting. He also agreed that the document Terry Gerratana is working on would benefit the Consumer Engagement and Outreach committee.</li> <li>Robert Krzys stated that he is looking forward to providing information collected from the listening sessions back to the session participants.</li> <li>Terry Gerratana agreed that it would be very important to establish the feedback loop. She also wanted the CAC to connect how the recommendations that were made from the listening session will inform the priorities that OHS is emphasizing including potential external collaborations.</li> <li>Velandy Manohar gave a brief summary of his comments on the reports and stated that he will email his comments to Terry Gerratana and Robert Krzys</li> </ul>	
<b>8.</b>	<b>June Annual Meeting: time of day &amp; location</b>	<b>Robert Krzys</b>
	<ul style="list-style-type: none"> <li>Robert Krzys asked all members to save June 9<sup>th</sup> as the slate of candidates will be voted upon and the selection of chair of CAC and vice-chair will take place. He noted that the vice-chair will be appointed this June for a duration of year. Going forward the 3-year term of the vice-chair would be elected starting in 2021. Also, as a result of the pandemic, this meeting will likely be virtual at the usual time.</li> </ul>	
<b>9.</b>	<b>Social media page for the Consumer Advisory Council</b>	<b>Terry Gerratana</b>
	<ul style="list-style-type: none"> <li>Terry Gerratana was interested in potentially having a CAC Facebook page to advertise events and provide the CAC with a public platform to serve as a community source of information and engagement. She needs to check with OHS communications director about this and will report back to the group.</li> <li>Robert Krzys affirmed that given the pandemic, it would be important to have a technological way to engage with consumers.</li> </ul>	
<b>8.</b>	<b>Announcements</b>	<b>Robert Krzys</b>
	<ul style="list-style-type: none"> <li>Robert Krzys reminded the CAC to sign and submit their conflict of interests forms to Quyen Truong.</li> <li>Robert Krzys wished everyone on the call well.</li> <li>Velandy Manohar stated that Bioethics committee of the state medical society is creating an ethics-based response to equitably handle allocation of resources and stratification of risk.</li> </ul>	

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	<ul style="list-style-type: none"> <li>• Ann Smith urged Velandy Manohar to consider a cultural lens when establishing the response, especially since many will be impacted by the fact that they are unable to grieve or mourn in the ways traditionally available to people.</li> <li>• For the good of the order, Ann Smith thanked Robert Krzys for his dedication in maintaining forward movement of the CAC through its transition.</li> </ul>	
<b>8.</b>	<b>Adjournment</b>	Meeting adjourned at 4:48 p.m.
	Velandy Manohar motioned to adjourn, and Alan Coker seconded. <b>Motion carried.</b>	

DRAFT