

**EMERGENCY INSURANCE COMMITTEE MEETING  
MARCH 31, 2020 1:30 ANNEX BUILDING**

**ATTENDANCE:** Chairman, Justice Bill Nelson; Justice, Alvin Clay; Justice, Howard Norvell; Justice, Molly Jackson; Justice, Michael White; Finance, Kelli Jones; County Attorney, Jeremy Thomas; Public Affairs, Steven Savage; NEA Town Courier, Joseph Fondren.

1. Meeting was called to order by Justice, Bill Nelson. Justice Nelson stated it was an emergency meeting of the Insurance Committee. The meeting was called because so many of our employees are getting collection calls. A decision needs to be made on what the County needs to do. We are trying to abide by the Governor's requirements of only having 10 in a meeting and take care of the employees. Meeting was turned over to Justice, Michael White.

2. Justice White stated we were contacted by LS. & Associates. The company is owned by Les Smith. Performance Health the TPA was contracted by LS to administer the County's Insurance claims by paying out benefits of the "Self - funded" Mississippi County premium pool. Gerber- the Stop Loss company contracted by LS to pay for any claims above and beyond the scope of the County Insurance premium pool. Dave Nichol- an attorney in Ohio hired by the owner of Performance Health in trying to force Gerber to meet their contractual obligations. Dave works for Performance Health. There are 9 other Counties in the approximate same situation. Dave has been meeting with attorneys for Gerber over the last several weeks and finally got in front of a Federal Judge, Judge Dan Polster, last week in Cleveland, OH. Gerber's attorneys have been seeking a (Temporary Restraining Order) for different reasons to keep from having to pay. Kelli Jones stated she thought it was Performance Health requesting the Restraining Order. This could take up to over a year if it goes forward as a Court Case, but Judge Polster kind of sees through Gerber's stall tactics and has ordered them to all come up with some kind of agreement and get back with him on a conference call on April 14<sup>th</sup>. Performance Health is actually not directly responsible in this action, but the owner considers it so flagrant and embarrassing that he is paying for Dave Nicols to represent all these counties. Mississippi County is not currently participating in the lawsuit or legal action. However, Mr. Nicols feels that we can join the other counties at no cost to us since he is already representing the others and would just be adding us to the action. If Mississippi County decides to initiate our own legal action, we have to consider the timeline about how long it could take just to get a court date, and how long and expensive the litigation could end up being. But one of my questions to Mr. Nichol was – if Mississippi County does join in the current legal action and the decision is not satisfactory to our circumstances, would our joining keep us from filing our own lawsuit later if we wanted to. Mr. Nichol was going to have an answer today.

3. County Attorney Jeremy Thomas stated it would cost less money and the lawsuit was already started with Performance Health and take less time. Mr. Thomas would like to talk to Mr. Nichol before a decision is made. Justice White asked if the amount of unpaid claim would be hundreds of thousands dollars. Kelli Jones stated that would be correct. Justice Norvell stated the employees need to call their providers to make sure the claim was filed correctly.

**4. Motion was made by Justice, Howard Norvell to join into the lawsuit upon Jeremy Thomas's approval. Second was made by Justice, Molly Jackson. Motion passed.**

**5. Meeting adjourned.**

**Minutes submitted by: Cindy George.**