



Dear RPEA Members:

I am writing to give you a summary of the matters that the RPEA Executive Board has been addressing over the past couple of weeks. We will return to our regular newsletter communication once we complete a few pressing transition matters.

### **1. Extension of Time to Review and Comment on the DRB's Retiree Health Plan Proposals**

By now you all should have received notice from the DRB, in post-card form, that it had

- **Extended to September 3<sup>rd</sup>** the public comment period on the two health care proposals (prevention coverage and prior authorization for specialty medications); and
- **Scheduled another townhall for September 1**, to respond to some of the comments and concerns received from retirees to-date and to receive additional comments from retirees.

The Retiree Health Plan Advisory Board (RHPAB) is meeting on September 9<sup>th</sup>; RHPAB members will have an additional opportunity to make comments and suggestions to the DRB before the State makes a final decision on the two proposals it has presented for comment and consideration.

We have been forwarding RPEA member comments and concerns to Delisa Culpepper, the RPEA's Medical Information Director, and to Cammy Taylor, a retiree member of the RHPAB. The Medical Information Committee met last week and shared member concerns with Ms. Taylor, as well. The September 9<sup>th</sup> RHPAB meeting will also be open to the public and meeting access information was provided on the postcard you should have received.

A number of you have asked where you can find the listing of specialty medications under consideration for prior authorization; the link below will take you the Optum/AlaskaCare PowerPoint located on the DRB retiree health plan website; the listing can be found starting on page 20 of this document:

<https://doa.alaska.gov/drb/pdf/PharmacyPriorAuthorizationsAttachments081921.pdf>

### **2. The Status of the Medical Diminishment (MD) Lawsuit**

We have been informed by Grant Callow, RPEA's attorney in the MD Lawsuit, that the trial – by mutual agreement – has been rescheduled for the end of January, 2022. A number of decisions and motions have recently been filed in this matter; they will shortly be posted to the RPEA Website.

Information on the MD lawsuit can be found by accessing the RPEA website and, on the right-hand side of the Home Page, under Quick Links, you will find a link entitled "RPEA Lawsuits." Click on that link and then select "2018 Medical Health Plan Diminishment Lawsuit."

### **3. Current Versions of both the RPEA Bylaws and the Policies and Procedures Manual are now On-Line!**

I wanted you all to know that the most current version of the RPEA Bylaws is now available on the RPEA website. This set of bylaws includes the bylaw changes just adopted by the membership this past June.

Also, the RPEA's entire Policy and Procedures Manual has been posted on-line. It includes all changes adopted by the Board this year.

To find these two important documents, follow these steps:

- a. Go to the RPEA Home Page on the Website
- b. Select the "About Us" tab on the top, right-hand side of the home page
- c. Select "Organization Documents" from the drop-down list that pops up
- d. Select either "Current RPEA Bylaws" or "Current RPEA P&P Manual"

Many thanks must go to Board Member/Southcentral Chapter Chair Wendy Woolf for all her work getting these two documents to be similar in format and fully up-to-date.

#### **4. The RPEA Executive Board Needs to Fill Three Positions on its Board: Consider Volunteering!**

##### **We Need To Fill The Membership And Communications Director Positions ASAP!**

The eleven-member RPEA Executive Board has been reduced to eight members due to vacancies. Six of the eight members fill *Elected Officer* positions and two are *Regional Officer/Vice-President* positions.

Under RPEA bylaws, *Elected Officers* are those officers elected by the general membership in a membership-wide election. *Regional Officers* are those officers elected by the members living in their region. Regional Officers are also known as Chapter Chairs and have the title of Vice-President on the RPEA Board. As you know, membership in the RPEA is divided into three regions: Northern, Southcentral, and Southeast.

The Northern Region Chapter Chair/Board Vice-President position is currently vacant, because no RPEA members in the Northern Region wished to run (or volunteer) for the position. Charlie Gallagher served in this position for some time but declined to run again.

**We are very interested in having a Northern Region chapter and encourage interested members living in the Northern Region to contact me at their earliest convenience.**

The Communications Director position, to which I was elected effective July 1, is now vacant given my appointment to the President's position.

The Membership Director position was recently vacated by Bob Grove.

We wish to fill the Membership and Communications Director positions as soon as possible. According RPEA bylaws, a person appointed to fill a vacancy in an office serves the remainder for that person's unexpired term.

The vacated Director of Membership's terms ends in June of 2022, so we would hope anyone expressing an interest in the appointment to the vacancy would also at least be interested in running -- or would intend to run -- for the position next spring.

The remainder of the President's unexpired term, which I am presently filling, also ends in June of 2020, and we will hold an election for that office next spring, as well. It is my intent to then return to the Communications Director position, to which I was just elected, so the appointment to fill the vacant Communications Director position would be for a relatively short time (just through June of next year).

**If you are interested in being considered for appointment to either position, please call or send an email, letting me know of your interest.**

Vacancies, under our bylaws, are filled by appointment of the President, but I would certainly seek Executive Board member input should we be blessed with multiple individuals interested in serving in either capacity. We would like to fill these two key positions by the time of the next regular meeting of the Executive Board in mid-September.

#### **5. Recall Petitions**

The Executive Board meeting of August 17 was continued to August 20 to address a

recall petition, signed by some 30 members and filed against all six members of the board that took action to replace the President, after the past President's sudden resignation in late July. At the August 17 meeting the Executive Board announced that it intended to discuss the recall petitions in executive session on August 20. At the outset of the August 20 meeting the Board decided to hold those deliberations in open session instead.

After lengthy discussions, the Board determined found the following:

- the Board had acted in accordance with its bylaws;
- the Board acted on the advice of legal counsel;
- a thorough record of all its actions is well-preserved in the approved Board minutes of July 27 and August 6; and
- the recall petition, on its face, was not properly filed because it named multiple officers and not a single officer, and it named Regional Officers who are not subject to recall by the general membership.

The reasons for these findings are

- that the RPEA bylaws clearly require that a recall petition be filed against an individual Board officer, not more than one, let alone six officers. To interpret the language of the RPEA's bylaws any other way would allow a small minority of the RPEA membership to potentially place an entire board (or, in this present case, the majority of the board) in a position where the Board could not even legally meet because it could not make the quorum required by its bylaws. The organization would be unable to conduct any business or take any actions;
- the general membership does not elect Regional Officers: a Regional Officer would have to be recalled by the membership of that Chapter Chair's region; and
- the bylaws require that a recall petition name a single elected officer, specifically describing the reasons for the recall against that individual officer, so that the officer may respond to the specific allegations of misconduct or dereliction of duty. It would be unfair for board members to have to respond to allegations over which a named individual officer had no control or even knowledge.

For these reasons the Board took no action on the petition.

There was considerable discussion during the meeting that taking no official action on recall petition filed by RPEA members might appear cavalier and disrespectful: that certainly is not the intent and I hope the basis for our action is understood.

## **6. Next Meeting**

The next regularly scheduled meeting of the Executive Board is Tuesday, September 21, 2021, at 10:00 a.m.. The first official day of fall!

**I hope you all have a good and safe Labor Day! Thank you!**

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