

# **The SSB 5351 Collaborative**

## ***DRAFT***

### **OPERATING PROCEDURES AND GROUND RULES**

Adopted by the SSB 5351 Collaborative on \_\_\_ of 2025.

#### **PURPOSE**

The purpose of the SSB 5351<sup>1</sup> Collaborative is to discuss, and develop recommendations for legislative or regulatory action on, issues related to

- dental loss ratio and
- relative payment for dentists or denturists based upon their provider network status including, but not limited to, payment based on the usual and customary rate.

The SSB 5351 legislation directs the William D. Ruckelshaus Center (the Center) to contract with the Office of the Insurance Commissioner to

- a) Design, convene, and facilitate a collaborative forum with participation from:
  - The Washington State Dental Association
  - A representative of the Washington Denturist Association
  - Dental insurance carriers, including those carriers with a significant commercial market share in Washington state
  - Consumer representatives
  - The Office of the Insurance Commissioner; and
  - Other relevant interested organizations as appropriate
- b) Facilitate discussions to address the abovementioned issues
- c) Develop recommendations for legislative or regulatory action
- d) Provide quarterly progress updates to legislative members designated by the chairs of the appropriate legislative committees
- e) Submit a final report summarizing findings, areas of agreement, and recommendations for legislative or regulatory action to the legislature by June 30, 2026.

#### **MEMBERSHIP**

##### **A. SSB 5351 Collaborative Members**

The SSB 5351 Collaborative involves willing participants working together in a Collaborative consisting of representatives of the groups mentioned in the legislation. It is intended that the representative(s) from each constituency:

- Represents the diversity of experiences and interests within its constituency
- Effectively represents and informs its constituency

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<sup>1</sup> Excerpts paraphrased from SSB 5351 related to the stakeholder process. The legislation is attached.

- Provides input to and participates in any agreements or recommendations with the support of its constituency

See Appendix 1 for current roster of members and their alternates

## **B. Alternates**

Designated members of the SSB 5351 Collaborative may choose to designate an alternate and must communicate that choice to the Ruckelshaus Center Facilitation Team (Facilitation Team). The member and alternate are responsible for (a) ensuring both are fully briefed on business, topics discussed at meetings, action items, decisions, etc. and (b) delivering a consistent message to the Collaborative and externally to constituents and other interested parties.

Unless otherwise stated, alternates speak and act on behalf of the member – which includes decision-making. Alternates are expected to adhere to the same rules and responsibilities as members. Alternates are encouraged to attend and observe meetings and stay current on deliberations so that their participation does not result in the Collaborative revisiting issues or repeating discussions, and so that no matter who sits at the table representing any of the parties, the process continues to move forward.

During consensus deliberations and decisions, the designated member shall have the role of representing their seat. If the member cannot participate, or the member has asked the alternate to represent the seat in consensus decisions for other reasons, the member shall notify the Facilitation Team and the Facilitation Team shall inform the full Collaborative. During non-consensus conversations, in the regular flow of meeting dialog, alternates are permitted to participate.

## **C. Additional Perspectives**

To help in building viable and informed recommendations, other parties may be asked to engage, such as committee staff from the House or Senate, or staff from the House Office of Program Research or Senate Committee Services. The Facilitation Team will work with legislative staff to ensure continuity and effective means for involvement.

The Collaborative may invite other organizations or individuals to make presentations and/or participate in and observe the discussions. The Facilitation will manage the process of invitation and participation in consultation with the SSB 5351 Collaborative.

## **D. Resignation**

If a member is no longer willing or able to serve on the Collaborative, they will notify the Facilitation Team in advance. The Facilitation Team will work with the Collaborative, the entity, and the OIC on how to fill the vacant seat.

# **ROLES AND RESPONSIBILITIES**

## **A. Members**

SSB 5351 Collaborative members agree to the following responsibilities:

- a. No Surprises: Members agree to keep all fellow members apprised of relevant information for the duration of the Collaborative. Relevant information may include but is not limited to:
- Discussions and meetings with media and any press related entities, elected officials, interest groups, public, and other relevant parties
  - Changes in personnel or other circumstances may affect the Collaborative.
  - Anticipated legislative proposals relevant to the work of the Collaborative or that may impact an individual member's constituency.
  - Anticipated internal or external statements, actions, and/or policies related to the work of the Collaborative or the parties participating in the Collaborative.

- b. Represent Constituency: Members will bring the concerns and perspectives of their various constituencies to the Collaborative, where appropriate, for discussion and possible consensus building. It is understood that many members participate in other initiatives at local, state, regional, and national levels and may advocate in those forums for solutions on issues related to the SSB 5351 Collaborative's work but will make it clear they are representing only themselves, not the Collaborative, unless the Collaborative has taken an official position on the matter, in which case it should be presented verbatim.

Members will keep other key entities within their interest areas and constituencies informed on the work of the Collaborative, solicit input on issues under consideration, and share this input with the Collaborative—even if those opinions differ from the member's own personal views.

- c. Focus on the Overall Good of All the Interests Represented: While members are to represent the points of view of their interest area, members are also asked to focus on the overall good of all the interests represented on the SSB 5351 Collaborative, not just the perspectives of individual interest areas.
- d. Respectful of the Diversity of Views: To enhance the possibility of constructive discussions and dialogue as members educate themselves on the issues and engage in consensus building, members agree to be respectful of the diversity of views on the SSB 5351 Collaborative. Members agree to listen openly to all points of view on issues and alternatives and seek to identify areas of agreement, as well as reasons for different points of view. Members agree to avoid personal attacks both at the table and away from the table.
- e. Prioritize Preparing for, Attending, and Actively Participating in Meetings: Members will arrive on time and avoid leaving early. Members will inform the Facilitation Team as far in advance as is possible if they (or their alternates) cannot attend a scheduled meeting. The Facilitation team will review and discuss the agenda with a member who has indicated in advance that they cannot attend a meeting.

If a member (and their alternate) misses two consecutive meetings without notice, the Facilitation Team will contact that member to inquire about their continued participation. After three consecutive missed meetings, the Collaborative may request the Facilitation Team and the OIC request in writing to the entity to designate a replacement member.

For virtual meetings, if a member has to step away from participating, they will let the Facilitation Team know (by sending a chat message) and let their fellow members know by clicking on the clock icon in the Participants pane of zoom.

- f. Work Cooperatively and Creatively to Seek Areas of Agreement: Members will work cooperatively with each other and the Facilitation Team to accomplish the purposes of the SSB 5351 Collaborative, and acknowledge that all participants bring legitimate purposes, goals, concerns, and interests—irrespective of whether they agree with them.
- g. Focus on the Subject at Hand: Members agree to focus on the topic of discussion, share discussion time, avoid interrupting, respect time constraints, keep reactions and responses from being personal, and avoid side conversations.
- h. Base Decisions and Recommendations on Evidence and Data: Members commit to working in good faith together to identify, commission or collect, and carefully consider any relevant studies, analyses, and/or other data to underpin their decisions and recommendations.
- i. Email communications: Members agree that email communication shall be limited to meeting business, topics, and issues relevant to the Collaborative’s discussions. Emails to the Collaborative will come from the Facilitation Team, who will determine whether specific email(s) from members and non-members serve the interests of the group.
- j. Abide by Discussion Ground Rules:

**Be Respectful**

- One person speaks at a time; listen when others are speaking, avoid interrupting and side conversations.
- Keep comments brief so everyone gets a chance to share their thoughts. Avoid dominating the discussion.
- Hear and respect all opinions. Practice active listening – listening to understand, rather than to respond.
- Silence cell phones and refrain from using laptops during the meeting, except to take notes.

**Be Constructive**

- Acknowledge that all participants bring with them legitimate purposes, goals, concerns and interests, whether or not you are in agreement with them.
- Openly explore issues.
- Act in “good faith,” seeking to resolve conflicts and identify solutions. Come with the sense that this is a gathering of bright minds working toward a common goal.
- State concerns and interests clearly, listen carefully to and assume the best in others. Leave negative assumptions and attitudes at the door.
- Ask pertinent questions and educate ones self and those you represent about the interests and needs that must be addressed in a problem-solving atmosphere.
- Share comments that are solution focused, rather than repeating past discussions.
- It is OK to disagree; it is not OK to make personal attacks or slanderous statements.

- Minimize the use of jargon and acronyms, define and explain when used.
- Commit to fully exploring the issues and searching for creative solutions that best serve the parties' mutual interests in addition to those of the constituents that each caucus represents
- Work towards consensus.
- Be willing to compromise.
- Ask for clarification when uncertain of what another person is saying.
- Ask questions rather than make assumptions.

### **Be Productive**

- Begin and end meetings on time.
- Respect time constraints.
- Adhere to the agenda as much as possible, focusing on the subject at hand.
- Indicate to the facilitator/s when they wish to make a comment and be acknowledged before speaking.
- Volunteer for the tasks at hand, as appropriate.
- Proactively communicate to constituents the progress of the Collaborative, including emerging decisions and agreements of the Collaborative and the context or rationale for them.

## **B. Facilitation Team**

The William D. Ruckelshaus Center will provide staff support and facilitation services. The Center, in its role as an independent third party with expertise in collaborative processes, is responsible for the management and facilitation of the SSB 5351 Collaborative, ensuring the process goes forward in accordance with SSB 5351. The Facilitation Team's role is to manage the process in a manner that enhances the Collaborative's ability to perform its work and reach agreement. The responsibilities of the Center's Facilitation Team Include:

- a. Help keep the group focused on agreed-upon tasks and to suggest process ideas, strategies, approaches, alternative methods, and procedures to support the work of the Collaborative.
- b. Take steps as needed to protect the integrity of the collaborative process.
- c. Provide information as needed to ensure that the group can remain accountable to its responsibilities as directed by the Legislature.
- d. Keep discussions moving forward and encourage participation by all members.
- e. Document decisions and action items and enforce the ground rules.
- f. Facilitate meetings of the SSB 5351 Collaborative and maintain a neutral stance in facilitating discussions to achieve the Collaborative's purposes and goals.
- g. Communicate with members between meetings as needed to discuss issues, opportunities, concerns, strategies, and alternatives that need addressing to meet the goals and purposes.
- h. Prepare meeting agendas so meetings are productive and contribute to accomplishing the goals of the Collaborative.
- i. Prepare meeting summaries and/or action item lists and distribute them to members.
- j. Assure that relevant information gets provided to members in a timely manner.

- k. Actively engage the parties in fact-finding to lay the groundwork for agreement. The Center will help the members of the Collaborative collectively identify credible information providers, with fact-finding as an ingredient to help the parties reach agreement. The fact-finding should help to dispel “myths” and limit or eliminate disagreements on the facts, recognizing there may be “grey areas” or areas where there may not be agreement.
- l. Provide quarterly progress updates to legislators designated by the chairs of the appropriate legislative committees and the OIC
- m. On behalf of the SSB 5351 Collaborative, draft a final report summarizing deliberations, findings, emerging areas of agreement, and recommendations for legislative or regulatory action, which will be shared with all members of the Collaborative
- n. On behalf of the SSB 5351 Collaborative, submit a final report, summarizing findings, deliberations, areas of agreement and disagreement, and recommendations for legislative or regulatory action, to the legislature and to the OIC by June 30, 2026.

### **C. Work Groups**

Because the timeline to complete its work is short, the SSB 5351 Collaborative may create work groups to carry out specific assignments between meetings, such as to discuss information and draft documents. Such groups will have their terms of reference, and tasks and responsibilities, defined by agreement of the Collaborative. Such groups may not act on behalf of the Collaborative (unless specifically authorized by the group to do so).

## **DECISION-MAKING**

The SSB 5351 Collaborative’s decisions and recommendations will be consensus-based. A consensus process will enable the Collaborative to more freely discuss issues to arrive at a decision acceptable to all. In some instances, precise wording of a consensus decision may be developed by the Facilitation Team after review of the meeting notes of the discussion, for consideration and potential approval by the group at a subsequent meeting.

For all decisions, consensus of all members is desired. Consensus can be achieved at any SSB 5351 Collaborative meeting among those members (or alternates, if the member cannot attend) who are present. SSB 5351 members pledge to attend all meetings if possible. Members will have the option to ask the Facilitation Team to communicate afterward with those not present during a decision, to explain key points of the deliberations and confirm whether those members can go along with the decision. If not, the Collaborative may decide whether the group should reconsider the decision at a subsequent meeting.

### **Consensus Defined**

The SSB 5351 Collaborative operates under the following definition of consensus: Consensus means that each member can say:

- a. I was a respected member of the group that considered the decision;
- b. my ideas (opinions, knowledge, concerns, beliefs, hopes) were listened to;
- c. I listened to the ideas (opinions, knowledge, concerns, beliefs, hopes) of others; and
- d. I can support the decision of the group, even though I might have made a different decision had I acted alone.

Each member/alternate can convey their position on a given consensus option via a thumbs up (“I support this option”), thumb sideways (“I can live with this option for the good of the group and the process”) or thumbs down (“I cannot live with this option”). If a member is thumbs down, that member is expected to provide a proposal that legitimately attempts to achieve the interest of the constituency they represent and the interests of the other members. All members will seek solutions that allow those thumbs to move to up or sideways.

In situations when there is no consensus, members not in support will submit in writing to the Facilitation Team the reasoning behind their constituency being unable to “live with” the decision, alternative options or language that would have addressed their constituencies’ concerns, and how this alternative would also meet the concerns and needs of other members.

## **MEETINGS AND RECORDS**

### **A. Meetings**

- a. Meetings are held at least monthly.
- b. Meetings will be open to the public.
- c. Agendas will not include time for public comment.
- d. Meetings will occur in person (with virtual attendance possible, but in person participants will have priority for speaking time).
- e. Members’ communications may be subject to disclosure pursuant to existing state law.
- f. Meetings will begin and end on time.
- g. Meetings will be task-oriented with an agenda and materials prepared and distributed in advance, to support informed discussion.
- h. Members will provide questions or issues for inclusion on the agenda to the Facilitation Team. The Facilitation Team will work to incorporate these items as appropriate.
- i. Time will also be set aside at the conclusion of each meeting for members to identify agenda items for the next meeting.

### **B. Meeting Summary**

The Facilitation Team will take notes during meetings and provide meeting summaries. The Collaborative will review a draft summary of each meeting, and may request corrections or changes, before the summary becomes final. The final summary will provide members and interested public with a concise and clear summary of the meeting including synopses of presentations, discussions and decisions along with references to related materials. It will not attempt to capture each statement or comment, such as would be found in a meeting transcript.

### **C. Dealing with the Media and Other Interested Parties:**

To keep the focus on the established process and avoid misunderstanding and misinterpretation, Collaborative members agree not to negotiate through the media or in public settings. NOTE: this includes social media. Normally, and where feasible, the Facilitation Team will serve as the designated contact for media comment about the process and its progress.

If contacted, Collaborative members agree that in speaking to representatives of the media or to the members of other organizations, they will uphold trust and progress in the 5351 process. Members, accordingly, will avoid characterizing the Collaborative's or other members' positions, other than as adopted by the Collaborative. They may provide their own position or opinion, provided it has been previously communicated to the Collaborative, and is clearly identified as their own position. After, and if possible, before, speaking with representatives of the media or to other organizations or groups, members should inform the Facilitation Team, to minimize the possibility that their appearance or comments might be misinterpreted by other parties in the 5351 process.

### **QUARTERLY REPORTS AND FINAL REPORT**

The Facilitation Team will prepare drafts of interim and final reports summarizing the Collaborative's findings and recommendations and distribute them to all members for their review and comment prior to any dissemination. After review, discussion and Collaborative approval, the Center will submit the interim or final report to the Governor and legislature in accordance with the requirements of SSB 5351 and will provide it to whomever else the Collaborative agrees should receive it directly. The report will be publicly available.

### **Amending the Ground Rules**

These ground rules can be amended by agreement of the SSB 5351 Collaborative participants.