

FINAL
MINUTES OF THE MEETING OF THE
NEW JERSEY INDIVIDUAL HEALTH COVERAGE PROGRAM BOARD
HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY)
September 14, 2021

Directors participating: Joseph Camargo; Philip Gennace (DOBI); Sandi Kelly (Horizon); Robert Morrow (United); Colleen Picklo; Thomas Pownall (Aetna), Tony Taliaferro (AmeriHealth).

Others participating: Ellen DeRosa, Executive Director; Chanell McDevitt, Deputy Executive Director; Rosaria Lenox, Managing Financial Officer; Eleanor Heck, Deputy Attorney General.

I. Call to Order

E. DeRosa called the meeting of the IHC Board to order at 10:00 A.M. She announced that notice of the meeting had been posted at the Department of Banking and Insurance (“DOBI”), on the DOBI website, at the Office of the Secretary of State, submitted to the State House Press Corps, and published in three newspapers of general circulation in accordance with the Open Public Meetings Act.

E. DeRosa noted that, pursuant to P.L. 2020, c. 2, as a result of the public health emergency and state of emergency declared by Governor Murphy on March 9, 2020 through Executive Order 103, subsequently extended,¹ due to the COVID-19 pandemic, the IHC Board’s regularly scheduled meeting was being held telephonically, and not at the Board’s offices in Trenton. She stated that, in accordance with P.L. 2020 c. 11, electronic notice of the change in the meeting and the means by which the public could attend the meeting telephonically was posted on the Board’s website, and issued electronically to all known interested parties.

E. DeRosa determined a quorum was present. She stated that voting would be by roll call.

Members of the public were asked to identify themselves; public attendees, if any, are identified at the end of these minutes.

II. Minutes – August 10, 2021

T. Taliaferro made a motion, seconded by R. Morrow, to approve the minutes of the meeting of August 10, 2021 without amendment. By roll call vote, the motion carried.

III. Annual Meeting: Selection of Chair and Vice Chair, Reconstitution of Committees

E. DeRosa stated the September meeting is the Board’s official Annual meeting, during which it typically elects its Chair and Vice Chair, and reconstitutes its standing committees.

¹ Due to the requirements of N.J.S.A. 26:13-3(b), which limits declaration of a Public Health Emergency by the Governor to 30 days, the Public Health Emergency established by E.O. 103 (Murphy) was continuously extended through multiple executive orders until E.O. 244 (Murphy), issued June 4, 2021, which declared the Public Health Emergency ended; however, E.O. 244 (Murphy) did not end the State of Emergency established by E.O. 103 (Murphy). Consequently, the Board continues to meet remotely, and public access is limited to telephonic means.

E. DeRosa explained that the Board's election of a Chair and Vice Chair constitutes a personal election, not the appointment of a company or organization. She further explained that, if the person elected to be Chair or Vice Chair stops being the designee of a company or organization, the position of Chair or Vice Chair becomes vacant, and a new person must be elected; the company's next designee does not automatically fill the position, because the company was not elected to fill that position. Likewise, a company designee's alternate does not fill-in as Chair (or Vice Chair) when the designee is absent. She noted there are no limits on the number of terms that any Board member or designee of a Board member may serve.

T. Taliaferro nominated S. Kelly to continue serving as Chair, and T. Pownall to continue serving as Vice Chair for another year. J. Camargo seconded the nomination. No additional nominations were made. By roll call vote, S. Kelly was elected Chair, and T. Pownall was elected Vice Chair.

E. DeRosa reminded the Board that there are currently four standing committees, composed of the following members:

- Legal Committee – Aetna, DOBI, Horizon
- Technical Advisory Committee (TAC) – AmeriHealth, DOBI, Horizon
- Marketing Committee – J. Camargo, Horizon, Oxford
- Operations & Audit Committee (OAC) – DOBI, Oxford, C. Picklo

E. DeRosa stated that the OAC routinely addresses the Board's finances, including audits, while the other committees meet only as issues arise. She noted that the Marketing Committee has not met in quite some time, given the establishment of the Exchange and changes in orientation of the market, and asked whether the Marketing Committee should be removed as a standing committee, subject to reconstitution on an ad hoc basis. Upon discussion, some Board members suggested that the Marketing Committee should remain a standing committee, noting that the Board still produces the Buyers' Guide, and other material. It was acknowledged that the most recent version of the Buyers' Guide on the internet is from 2019, and that some updating may be warranted. It was also noted that, while the Buyers' Guide is primarily targeted to off-Exchange populations, and doesn't discuss subsidies, it has substantial information that applies across the individual market (explaining managed care, eligibility, residency, interaction with Medicare, etc.), and is another source of information for consumers. It was agreed that the Marketing Committee should look at the Buyers' Guide with an eye towards updating it.

In addition, it was determined that there was no desire of any Board member to alter the existing participants on any of the committees.

S. Kelly made a motion, seconded by C. Picklo, to reconstitute the four standing committees for another year, with the existing composition of each continuing as is. By roll call vote, the motion carried.

IV. Report of Staff – Expense Report; Financial Statements

Expense Report

R. Lenox presented the expense report for September 2021, totaling \$18,022.04. She explained that the total included the Board's portion of staff salaries and other shared expense, but also

includes a payment to the Small Employer Health Benefits (SEH) Program for charges from the Office of Administrative Law (OAL) for publication of rules, noting that the OAL billed all of the related charges for the rulemaking by the IHC Program and the SEH Program to the SEH Program. E. DeRosa explained that the OAL no longer files and publishes public notices, notices of rule proposals or notices of adoptions gratis; hence, these new charges. R. Lenox stated that the Board can approve an internal transfer by the DOBI fiscal office of the amount due from the IHC Board's DOBI account to the SEH Board's DOBI account for the salaries and shared expenses.

S. Kelly made a motion, seconded by T. Pownall, to approve the expenses, and the payment of the shared salaries and other shared expenses via a transfer by the DOBI of \$18,022.04 from the IHC Board's account to the SEH Board's account within the DOBI. By roll call vote, the motion carried.

Financial Statements for the FY2021

R. Lenox presented the Management's Discussion and Analysis, as well as the Financial Statements for the Board for the fiscal year ended June 30, 2021, as follows:

- Statement of Financial Position
- Statement of Activities and Changes in Net Assets
- Statement of Cash Flows
- Comparison of Budget and Actual Expenditures

She highlighted the following:

- Because the Board amended its net earned premium reporting requirement to make the requirement annual, it billed assessments for its administrative expenses annually beginning with FY2020, resulting in some changes in the Board's cash and receivables from prior years (during which the Board assessed on a two-year cycle).
- Assets and Total Liabilities increased by \$156,166 over FY 2020 primarily due to invoicing for the FY2022 administrative assessment (of \$306,350), offset by the net invoices and refunds to carriers for the final assessments for FY2018-2019 and FY2020.
- Expenditures, totaling \$278,174.73 were favorable compared to the FY2021 budget by about \$26,855, which will be refunded to carriers, along with interest of \$237, after the audit of the program is completed.
- Certain expenses new to this fiscal year included computer software expense and depreciation, as well as a new building maintenance charge

V. Additional Information – Compliance & Variability Rider, HINT, Enrollment Data

Compliance & Variability Rider

E. DeRosa stated that the Board received approval to file the Notice for Adoption, and did so, and that she believes all carriers now have everything they need, including the Compliance & Variability Rider for existing business, until fully compliant policy forms are issued in 2022.

HINT form

The question arose whether any changes were needed or planned by the DOBI for the HINT form in 2022. P. Gennace stated that there were no changes needed for the form.

Enrollment Data

The question arose whether 2Q enrollment data for CY2021 was available illustrating the initial impact of the federal government's extension of the open enrollment period for the exchanges in 2021. It was noted that the most recent information posted on the website regarding enrollment in New Jersey is outdated, being from the end of CY2020. E. DeRosa stated that the information has been collected but is not yet posted on the website. Board members requested that the enrollment data be provided with the meeting materials for the October meeting.

VI. Close of Meeting

S. Kelly made a motion, seconded by R. Morrow, to adjourn the meeting. By roll call vote, the motion carried.

[The meeting ended at 10:30 A.M.]

Identified Public Attendees:

Robert Axelrod, Oscar Garden State Health Ins. Corp.²

² Robert Axelrod is a member of the Small Employer Health Benefits Program Board of Directors, as are several of the Directors on the IHC Board; however, there was not a quorum of the SEH Board present, and all actions taken were for the benefit of the IHC Board.