

FINAL
MINUTES OF THE MEETING OF THE
NEW JERSEY INDIVIDUAL HEALTH COVERAGE PROGRAM BOARD
HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY)
May 10, 2022

Directors participating: Daniel Bradshaw (United); Sandi Kelly (Horizon); Colleen Picklo; Thomas Pownall (Aetna); Gale Simon (DOBI); 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 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 – March 8, 2022

T. Taliaferro made a motion, seconded by T. Pownall, to approve the minutes of the meeting of April 12, 2022 without amendment. By roll call vote, the motion carried unanimously.

III. Report of Staff – Expense Report

R. Lenox presented the expense report for May 2022, totaling \$12,889.20, of which \$12,052.70 is for the IHC Board’s share of staff salaries and other shared expenses payable to the Small Employer Health Benefits (SEH) Program, and \$836.50 is for WithumSmith+Brown (WSB)

¹ Pursuant to N.J.S.A. 26:13-3(b), a Public Health Emergency lasts for 30 days unless extended, while States of Emergency declared in accordance with N.J.S.A. App A:9-33 et seq. remain in effect until declared ended by a subsequent executive order. The Public Health Emergency was continuously extended through multiple executive orders until E.O. 244 (Murphy), issued June 4, 2021, declared the Public Health Emergency ended. However, Governor Murphy has not yet ended the State of Emergency established by E.O. 103 (Murphy). Thus, the Board continues to meet remotely, and public access is limited to telephonic means. (Notably, E.O. 280, issued January 11, 2022, resulted in another Public Health Emergency due to COVID-19, which was extended by E.O. 288 on February 10, 2022, then lifted by E.O. 292 on March 4, 2022.)

expenses related to the FY2021 audit. R. Lenox stated the Board can approve an internal transfer by the DOBI fiscal office of the amount due for salaries and operating expenses from the IHC Board to the SEH Board, and recommended a transfer of \$836.50 from the Board's Wells Fargo Money Market account to its Wells Fargo Checking account to pay the remaining expenses from WSB.

S. Kelly made a motion, seconded by C. Picklo, to approve the expenses; pay the salaries and shared expenses via an intra-department transfer of \$12,052.70 from the IHC Board's Department funds to the SEH Board's Department funds; and, transfer \$836.50 from the Board's Money Market account to its Checking account at Wells Fargo to pay the remaining May operating expenses. By roll call vote, the motion carried unanimously.

IV. Reinsurance Program – Payment Parameters; 2022 Requests

Payment Parameters

E. DeRosa reported that the Board is still waiting for guidance from Oliver Wyman, which was why the May 2nd special meeting was cancelled. She suggested the Board schedule another meeting on May 23rd, and following discussion of availability, the Board determined an afternoon meeting would be best.

1QPY2022 Requests

E. DeRosa reported carriers filed their reinsurance requests for the first quarter of Plan Year 2022, totaling \$32,165,752.40. She noted that there has been greater enrollment for 2022 thus far, as well as additional carriers reporting in 2022, but said she was not sure either factor explains the significant increase in the 1QPY2022 request relative to the 1Q requests of the three prior plan years, which were:

- 2021: \$24,912,972.11
- 2020: \$20,496,959.54
- 2019: \$24,147,916.46

V. Amendments to the Standard Plans

E. DeRosa explained that the Centers for Medicaid and Medicare (CMS), as part of its adoption of the Notice of Benefits and Payment Parameters for PY2023, specified that benefits that are age-limited without clinical justification are discriminatory, and must be discontinued. She indicated the standard plans must be amended because the standard plans cannot continue to cover hearing aids solely as a pediatric benefit, notwithstanding New Jersey's statute limiting the coverage mandate to age 15. She stated that other changes are also being reviewed, and asked Board members to suggest any other changes to the standard plans by June 3rd, so a draft of a full range of potential amendments can be considered by the Board.

VI. Annual Financial Disclosure

E. DeRosa reminded Board members that the annual financial disclosure statements for Special State Officers must be submitted by May 15 to avoid any penalties, and noted that the May 15 deadline does not change as a result of falling on a weekend.

VII. Good Faith Marketing Reports

E. DeRosa stated that, as a condition of offering SEH plans, carriers must also offer IHC plans, and must market the IHC plans in good faith. She reminded Board members that the good-faith marketing requirement is an annual demonstration, and noted that some carriers to whom the requirement applies have not yet submitted their demonstrations, but that she has reached out to them. She suggested the good faith marketing reports and recommendations could be discussed at the May 23rd meeting.

VIII. Close of Meeting

S. Kelly made a motion, seconded by C. Picklo, to adjourn the meeting. By roll call vote, the motion carried unanimously.

[The meeting ended at 10:25 A.M.]

Identified Public Attendees: Robert Axelrod, Oscar Garden State Health Ins. Corp.²

² Oscar 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 discussions and actions at the meeting concerned the specific public business of the IHC Board.