

FINAL
MINUTES OF THE MEETING OF THE
NEW JERSEY INDIVIDUAL HEALTH COVERAGE PROGRAM BOARD
HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY)
July 12, 2022

Directors participating: Sandi Kelly (Horizon); Robert Morrow (Oxford); 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 and 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, this additional Board meeting which was in addition to the regularly scheduled meetings, 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 – June 14, 2022

T. Pownall made a motion, seconded by T. Taliaferro, to approve the minutes of the meeting of June 14, 2022, without amendment. By roll call vote, the motion unanimously carried.

III. Report of Staff – Expense Report

E. DeRosa presented the expense report, which included \$12,080.79, for expenses related to salaries and fringe, in addition to a \$15,376.26 charge from the Office of Administrative Law (OAL). She acknowledged the charge, allocated as a Legal expense, had not been budgeted. E.

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 (Murphy, January 11, 2022) resulted in another Public Health Emergency due to COVID-19, lifted by E.O. 292 on March 4, 2022.)

DeRosa explained that, within the last couple years, the OAL's funding mechanism had been altered, and the agency began charging agencies that propose and adopt rules for the OAL's rulemaking activities and expenses related to it. She stated that OAL charged the Board in a prior year, but the total had been only \$200, because the Board's rulemaking activity had been nominal that year, while for the fiscal year ended June 30, 2022, the Board's rulemaking activity resulted in 143 published pages, representing 17% of the amount allocable to the Department of Banking and Insurance, which the Board is in but not of. She further explained that OAL charges agencies proportionately using pages published as a measure, and assesses agencies based upon OAL's total expense for the fiscal year. E. DeRosa stated that the expense essentially is impossible to anticipate, because an agency's share is dependent upon the activity of other agencies, which can vary substantially from year to year.

R. Lenox stated the Board has the funds to pay for this expense this year, and explained that both sets of expenses can be paid via a transfer from IHC DOBI-held funds, with funds being transferred to the SEH DOBI-held account for salaries and fringe, and transferred to the OAL Fund to pay the IHC Board's share of the OAL charges.

S. Kelly made a motion, seconded by T. Pownall, to approve the expenses, the transfer of \$12,080.79 from the IHC DOBI Fund to the SEH DOBI Fund for the payment of salaries and fringe, and the transfer of \$15,376.26 from the IHC DOBI Fund to the OAL Fund for payment of Legal expenses charged by the OAL. By roll call vote, the motion unanimously carried.

IV. Policy Forms and Coverage of Multiple Children

E. DeRosa stated that she received a number of questions from carriers regarding the requirement to cover multiple children under one policy without a parent/guardian also covered. She reviewed the text addressing children-only coverage, highlighting the following:

- Amendments to the definition of Covered Person to address Eligible Applicant.
- Addition of the definition of Eligible Applicant.
- Amendments to the section "Type of Coverage" to include Eligible Applicant and Children.
- Amendments to the section "Who is Eligible," which would become "Who Is Eligible to be Covered," and include a new Children category.
- Amendments regarding the section "Adding Dependents to this Policy" to address addition of dependents by an Eligible Applicant.

The Board discussed additional issues that need to be addressed for coverage of multiple children under a policy without a parent/guardian.

V. Close of Meeting

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

[The meeting ended at 10:35 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.