

FINAL
MINUTES OF THE MEETING OF THE
NEW JERSEY INDIVIDUAL HEALTH COVERAGE PROGRAM BOARD
HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY)
December 12, 2023

Directors participating: Sandi Kelly (Horizon); Robert Morrow (Oxford); Colleen Picklo; Tom Pownall (Aetna); Adam Young (AmeriHealth), Phil Gennace (DOBI).

Others participating: Eleanor Heck, Deputy Attorney General.

I. Call to Order

S. Kelly called the meeting of the IHC Board to order at 10:02 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 two newspapers of general circulation in accordance with the Open Public Meetings Act.

S. Kelly stated that 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.

S. Kelly 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 – October 25, 2023 and November 1, 2023

A. Young made a motion, seconded by S. Kelly to approve the October 25, 2023 meeting minutes, as amended. By roll call vote, the motion unanimously carried.

T. Pownall made a motion, seconded by C. Picklo to approve the November 1, 2023 meeting minutes, without amendment. By roll call vote, the motion unanimously carried.

III. Expenses – S. Kelly presented total expenses of \$445.86 from various newspapers for notices for public hearings and special Board meetings. She noted that she reconciled the notices with the expenses.

T. Pownall made a motion, seconded by C. Picklo to approve the payment of expenses totaling \$445.86 and to authorize the Department to issue payment from the Board’s funds. By roll call vote, the motion unanimously carried.

IV. Policy Form Amendments for Adoption

P. Gennace presented the draft notice of adoption. He noted that there were two comments received as a result of the public hearing and written comments, both in general support of the changes. One was in support of adding pharmacist to the list of practitioners, and one was in support of ending the presumption of Medicare eligibility for enrollees age 65 and older, which prohibits

insurers from acting as a secondary payor and carving out what Medicare would have paid if the person was enrolled in Medicare. The Department's draft response to the commenter included that the directive to the carriers in the individual market is that this applies for the entirety of plan year 2023. S. Kelly asked whether this sentence could be removed from the response because the CMS guidance did not change DOBI's practice until May 24, 2023. P. Gennace indicated that DOBI had previously determined that this change would apply to all of 2023.

P. Gennace made a motion, seconded by A. Young, to approve the policy form changes and the draft adoption notice, as amended, and to proceed with a filing of adoption with the Office of Administrative Law. By roll call vote, the motion carried, with S. Kelly abstaining.

P. Gennace noted that the policy form changes become effective January 1, 2024 and expressed the Department's preference to use an operative date of January 1, 2024. Carriers noted that the Board has used an operative date of April 1 in past years to issue policy forms and/or riders. Multiple carriers raised a concern about the need for more time to update systems and issue forms, noting that the changes will be effective January 1, 2024 under the compliance with law provisions. P. Gennace indicated that the Board could decide on an April 1, 2024 operative date. He also noted that the Department would not be developing a compliance and variability rider and it would be up to the Board to develop one and issue it.

A. Young made a motion, seconded by R. Morrow, to use April 1, 2024 as the operative date in which carriers must issue policy forms and/or riders for the January 1, 2024 policy form changes. By roll call vote, the motion carried, with P. Gennace abstaining.

A. Young and S. Kelly offered to work together to draft the compliance and variability rider and the Board agreed that S. Kelly, as Board chair, would issue an email, following past practice, to carriers on Board letterhead.

V. Proposed 2024 Board Meeting Dates

S. Kelly noted that the following dates were all on the second Tuesday of the month, and that the meetings would be held at 10:00 am: January 9, February 13, March 12, April 9, May 14, June 11, July 9, August 13, September 10 (Annual Meeting), October 8, November 12, and December 10.

S. Kelly made a motion, seconded by R. Morrow, to approve the 2024 Board meeting dates and have them posted in the newspapers and on the Board's website. By roll call vote, the motion carried.

VI. Other Board Discussion

DAG Heck asked if the draft minutes could be sent to her for legal review prior to sharing them with the Board. P. Gennace indicated he will coordinate the review with DAG Heck.

VI. Close of Meeting

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

[The meeting ended at 10:43 A.M.]

Identified Public Attendees:

- Robert Axelrod, Oscar Garden State Health Ins. Corp.¹
- Sheri Ferguson, Fideliscare of New Jersey

¹ 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.