

FINAL
MINUTES OF THE OPEN SESSION MEETING OF THE
NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM BOARD
AT THE OFFICES OF THE
NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE
TRENTON, NEW JERSEY
November 27, 2013

Members present (all by phone): Charles Cerniglia (Oxford); Gary Cupo; Pat Gillespie (CIGNA); Margaret Koller; Mary Ellen Peppard; Nicholas Peterson (Horizon); Thomas Pownall (Aetna Health Inc.); Neil Sullivan (DOBI); Tony Taliaferro (AmeriHealth); Dutch Vanderhoof.

Others participating: Ellen DeRosa, Executive Director; Chanell McDevitt, Deputy Executive Director; Eleanor Heck, Deputy Attorney General.

I. Call to Order

E. DeRosa called the meeting to order at 10:05 A.M. E. DeRosa announced that notice of this special meeting was provided to three newspapers and the State House Press Corps, and posted at the Department of Banking and Insurance (“DOBI”), the DOBI website, and the Office of the Secretary of State in accordance with the Open Public Meetings Act. A quorum was present. E. DeRosa stated that voting would be by roll call, because all Board members were participating by phone.

II. Rule Proposal – Policy Forms and Subchapters 1, 3, 4, 6, 7 and 17

E. DeRosa stated that she received some comments on the draft proposal presented at the November 20th meeting, and that she incorporated certain requested changes that clarified or corrected certain points. She briefly discussed the revisions that were made, highlighting the following:

- The cost-sharing parameters for the standard plans were modified to refer to the federal rules establishing the cost-sharing requirements (45 C.F.R. 156.130). This allows the standard plan parameters to change as the federal rules change without necessitating further action by the Board.
- The cost-sharing rules were modified to refer to New Jersey’s minimum standards rules (N.J.A.C. 11:22-5) specifically with respect to copayment maximums to clarify the requirement, and assure that the Board’s rules remain aligned with the DOBI rules, and provide carriers with a little more flexibility in copayments elected below the maximum allowed.
- More explanation was provided in the summary as to why the definition of small employer would be changed.
- The policy forms were revised to include more language regarding triggering events and special enrollment periods. The earlier draft only addressed triggering events with

respect to non-SHOP plans; the revision added language for plans being offered through the SHOP.

Board members discussed again the change to the definition of small employer, particularly as regards a spouse. It was reiterated that such spouses can be covered under a small employer plan if their business can meet the definition of a small employer by virtue of having at least one other person in the group who constitutes an employee.

T. Taliaferro made a motion, seconded by T. Pownall, to approve proposal of the draft new and amended rules and amended policy forms. By roll call vote, the motion carried.

E. DeRosa stated that the public hearing for the proposal will be held on December 10th, at 9:00 A.M. in the 11th floor conference room at the offices of the SEH Program and the DOBI. She also stated that the proposal will be posted to the DOBI/SEH website by the end of the day, and comments will be due no later than December 17 in accordance with the Board's expedited rulemaking process.

III. Close of Meeting

D. Vanderhoof made a motion, seconded by P. Gillespie, to adjourn the meeting. The motion carried.

[The meeting adjourned at 10:20 A.M.]