FINAL

MINUTES OF THE MEETING OF THE NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM BOARD HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY) May 19, 2021

Members participating: Herb Ames; Robert Axelrod (Oscar); Robert Benkert (United); Natalie Bernardi (Cigna); Gary Cupo; Philip Gennace (DOBI); Laura Gunn; Margaret Koller; Taylor Kopelan (Horizon); Thomas Pownall (Aetna Health); Tony Taliaferro (AmeriHealth).

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

I. Call to Order

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

E. DeRosa noted that, pursuant to P.L. 2020, c. 2, as a result of the state of emergency and public health emergency declared by Governor Murphy on March 9, 2020 through Executive Order 103, as subsequently extended, due to the COVID-19 pandemic, the SEH Board's regularly scheduled meeting is being held entirely telephonically rather than at the Board's offices in Trenton. She stated that, in accordance with P.L. 2020 c. 11, electronic notice of this special 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.

Members of the public were asked to identify themselves, and are listed at the end of these minutes.

II. Public Comments

There were no public comments.

III. Review of Minutes of April 21, and May 5, 2021

The SEH Board considered each set of minutes from the April 21st and May 5th meetings, previously distributed. No amendments were offered.

M. Koller made a motion, seconded by H. Ames, to approve the minutes of the meeting of April 21, 2021. By roll call vote, the motion carried.

H. Ames made a motion, seconded by M. Koller, to approve the Open Session minutes of the meeting of May 5, 2021. By roll call vote, the motion carried.

¹ Executive Order 103 (Murphy) has been continuously extended multiple times since originally issued, the most recent extension occurring on May 14, 2021 pursuant to Executive Order 240 (Murphy).

T. Taliaferro made a motion, seconded by T. Pownall, to approve the Executive Session minutes of the meeting of May 5, 2021. By roll call vote, the motion carried.

IV. COBRA/State Continuation under the American Rescue Plan Act (ARPA)

There was discussion of Notice 2021-31, issued by the Internal Revenue Service shortly before the Board's meeting, and addressing premium assistance for COBRA benefits in accordance with section 9501 of the American Rescue Plan of 2021.² A majority of the Board members and staff acknowledged having not seen it. T. Kopelan and other members of Horizon agreed they had not reviewed it thoroughly, but provided a brief overview, noting that:

- Carriers essentially forbear the premium for assistance eligible individuals electing continuation coverage under an insured group health plan, and are entitled to claim a tax credit for the premium owed for the continuation coverage
- Premium assistance is available for comparable continuation established under State law
- ARP does not establish the "second chance" requirement with respect to State continuation programs, but that premium assistance is available to otherwise eligible people under State continuation if the State provides for a similar extended election right

Board members discussed what action the Board should take following a further review of Notice 2021-31. P. Gennace stated the DOBI is reviewing it, and that he believed the DOBI would issue some guidance in writing shortly. E. DeRosa agreed to notify the Board as soon as the DOBI issued any guidance.

V. Public Comments

Joan Fusco stated that it would be helpful for everyone, including employers and employees, if all carriers were required to follow a singular, specific process with respect to notices and other aspects of the implementation of the continuation premium assistance.

VI. Close of Meeting

H. Ames made a motion, seconded by M. Koller, to close the meeting. By roll call vote, the motion carried.

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

Public known to be in attendance:

- Suzanne Fitzgerald, Savoy Associates
- Joan Fusco
- Paige Chan, NJBIA

² NB: Pub. L. 117-2, enacted March 11, 2021.