

School Employees' Health Benefits Commission
Open Session Minutes
March 27, 2023

Adequate notice of this meeting has been provided through the annual notice of the schedule of regular meetings of the Commission filed with and prominently posted in the offices of the Secretary of State. The 2023 annual meeting schedule was mailed to the Secretary of State on December 20, 2022, and Star Ledger and the Trenton Times on December 20, 2022. The annual meeting schedule was posted to the Division website on December 1, 2022.

The meeting of the State Health Benefits Commission of New Jersey was called to order on Wednesday, March 27, 2023 at 10:00 am at the Division of Taxation in Trenton, NJ.

The text of Resolution A (Closed Session) and Resolution B (Executive Session) were read in their entirety in the event that the Commission desires, at any point in the meeting, to approve a motion to go into Closed or Executive session.

Kelly Fields took Roll Call and established that a quorum was present.

Commissioners:

Sonia Rivera-Perez
Carl Tanksley
Denise Graff-Policastro
Sarah Favinger
Philip Gennace
Julie Giordano-Plotkin
Michael Maillaro

Also Present:

Alison Keating, State of New Jersey Deputy Attorney General
Nicole Ludwig, State of New Jersey Division of Pensions and Benefits
Kelly Fields, State of New Jersey Division of Pensions and Benefits
Joyce Malerba, State of New Jersey Division of Pensions and Benefits

Interim Chair

Commissioner Gennace nominated Sonia Rivera-Perez to Interim Chair. Commissioner Tanksley seconded. The commission voted in favor of the motion, and Sonia Rivera-Perez was named Interim Chair for the meeting.

Commissioner Tanksley made a motion to go into Closed Session to hear the Closed Session appeals that contain protected health information. Commissioner Rivera-Perez seconded. All voted in favor.

The following cases, due to HIPAA regulations, were heard in Closed Session:

Case #2023032701: This is a tabled appeal in which the member is appealing for their son for the denial of occupational therapy services. The member's son had been approved but after 30

sessions, the insurance denied the services. The insurance denied as they felt it was an educational impact as opposed to a medical impact. The member's son continued to attend sessions after the 30 sessions had been completed. The member had also brought their son to a clinic to be evaluated, which the clinic found significant delays and the insurance initially approved the sessions.

Ms. Ruotola stated that this is a denial for a prior authorization. Horizon first reviewed and began paying for occupational therapy for the member. After seeking additional medical information, it had been determined that the occupational therapy was not medically necessary. Dr. Bethea stated that after denial, the appeal had been sent to an Independent Medical Expert reviewer, whom had also agreed with the denial based on the fact that there was no documentation of any lack of ability to perform basic activities of daily living. There has not been any documentation that would show improvement or regression.

Commissioner Rivera-Perez clarified that the decision for denial had been made due to progress not being met by the member. The policy requires that progress be met, therefore the continuation of services was denied.

Commissioner Gennace made a motion to deny the appeal based on the language in the policy and the medical findings showing that progress was not met. Commissioner Rivera-Perez seconded the motion; the motion did not pass.

Commissioner Rivera-Perez made a motion to go into Executive Session. Commissioner Gennace seconded the motion; all voted in favor.

Upon return from Executive Session, the Commissioner had taken a recess. Upon return from recess, Commissioner Rivera-Perez had stated that the Commission is deadlocked, therefore the decision from the IRO would stand and the member would be provided information with appeal rights.

Case #2023032702: The member is requesting IRMAA medicare reimbursement funds. The member stated that they had not received the letter needed to request reimbursement. The member is requesting an exception for not meeting the deadline and for their payments to not be withheld. The member had only been reimbursed for years 2020 and 2021 and is requesting reimbursement for years 2009-2019. There is supporting documentation with the member's social security number and mailing address, showing that the member had been on the mailing list every year.

Commissioner Graff-Policastro made a motion to grant the appeal and reimburse the IRMAA reimbursement from 2009-2019. Commissioner Favinger seconded the motion. The motion did not pass due to a deadlock.

Commissioner Rivera-Perez made a motion to move to Executive Session for legal advice. Commissioner Gennace seconded the motion; all voted in favor.

Upon return from Executive Session, Commissioner Julie Giordano-Plotkin joined the Commission meeting. Commissioner Favinger made a motion to approve the request for the IRMAA reimbursement. Commissioner Graff-Policastro seconded; the vote ended in a deadlock. The Division will be sending a letter indicating any additional appeal rights. Commissioner Giordano-

Plotkin requested information on this appeal in order to vote accordingly. Commissioner Rivera-Perez made a motion to enter Executive Session to get advice from the attorney, as this appeal has already been voted on 2 times. Commissioner Gennace seconded; all voted in favor.

Upon return from Executive Session, Commissioner Rivera-Perez stated that since there are no additional motions related to this appeal, the current administrative denial will stand due to a deadlock vote.

Case #2023032703: The member has requested an OAL hearing due to an overage handicap appeal that was denied. The member had their husband and step son on their health insurance. Due to the step son being over 26 years old and residing in Alabama, the application for insurance was denied. The Administrative Law judge found that the particular disabled dependent child did not have to reside with the parent in order to be eligible for coverage.

Commissioner Rivera-Perez made a motion to move to Executive Session. Commissioner Gennace seconded; all voted in favor.

Upon return from Executive Session, Commissioner Graff-Policastro made a motion to grant the request and send the appeal to the OAL. Commissioner Favinger seconded the motion; the motion did not pass with a vote of 4 to 3.

Commissioner Rivera-Perez made a motion to deny the OAL appeal but issue a Final Agency Determination. Commissioner Tanksley seconded the motion; the motion passed with a vote of 4 to 3.

Case #2023032704: This appeal had originally been tabled to allow additional time to secure the medical documentation from the member's previous provider. Member is requesting an OAL hearing. The appeal was first denied for the medication Ramazol and later on denied again because requested medical documentation had not been received, the member was then provided a list of alternative medications. The Division still has not received material facts.

Commissioner Favinger made a motion to grant the request to send it to OAL. Commissioner Graff-Policastro seconded the motion; the motion passed with a 5-2 vote.

Commissioner Graff-Policastro made a motion to move into Open Session for the midyear report. Commissioner Rivera-Perez seconded the motion; all voted in favor.

Midyear Report:

Becky Searles and Joe Tappe presented the midyear analysis report. Mr. Tappe stated that he is evaluating the emerging Plan Year 2022 plan costs and updating the projections for 2022 and 2023 against premium rates that are set for 2023. The report shows an increase in the prescription trend drug and enrollments due to cost of services, cost per visit, emergency room, outpatient surgery, medical pharmacy, PCP and behavioral health. Ms. Searles stated that 2.0 months is the recommended rate level and the presentation states the State is projected to be at 2.0 months.

Commissioner Gennace made a motion to move into Executive Session for Division updates. Commissioner Rivera-Perez seconded the motion; all voted in favor.

Upon return from Executive Session, Commissioner Graff-Policastro made a motion to adjourn. Commissioner Rivera-Perez seconded. All voted in favor and the meeting was adjourned at 12:45 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kelly Fields".

Kelly Fields
Acting Secretary
State Health Benefits Commission