

School Employees' Health Benefits Commission
Open Session Minutes
May 22, 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. Updates regarding the telephonic meeting were sent to the Secretary of State on December 1, 2022.

The meeting of the State Health Benefits Commission of New Jersey was called to order on Monday, May 22, 2023 at 10:00 am. The meeting took place 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.

Commissioners:

Sonia Rivera-Perez

Philip Gennace

Michael Mallairo

Denise Graff-Policastro

Carl Tanksley

Sarah Favinger

Also Present:

Alison Keating, State of New Jersey Deputy Attorney General

Kelly Fields, State of New Jersey Pensions and Benefits

Nicole Ludwig, State of New Jersey Division of Pensions and Benefits

Joyce Malerba, State of New Jersey Division of Pensions and Benefits

Donna Ruotola, Horizon Blue Cross Blue Shield NJ

Dr. Kelly Bethea, Horizon Blue Cross Blue Shield NJ

Absent:

Julie Giordano Plotkin

Interim Chair

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

Commissioner Rivera-Perez abstained from voting on the November 21, 2022 and January 23, 2023 meeting minutes due to being absent. Commissioner Favinger pointed out a mistake with the Executive minute meetings from November 21, 2022. Kelly Fields will be making the changes.

Commissioner Maillaro made a motion to approve the November 21st meeting minutes with the edits mentioned. Commissioner Tanksley seconded. Kelly Fields will bring the Executive Session meetings to the next commission meeting once edits have been made so the Commission can vote on the updated minutes. The motion was amended to accept the Open Session meeting minutes from November 21, 2022. Ms. Graff-Policastro seconded, all voted in favor, Ms. Rivera-Perez and Mr. Gennace abstained.

Commissioner Rivera-Perez made a motion to approve the Open and Executive meeting minutes from January 23rd. Commissioner Maillaro seconded, all voted in favor.

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

Case #2023052201: A dependent of the member is diagnosed with drug resistant epilepsy. Over the past 10 years, the doctors have tried many different medications with no positive results. It had been determined that deep brain stimulation is the best option for the dependent. The member is questioning why this procedure will not be approved by Horizon, as many other insurance companies do approve this. Ms. Ruotola stated that Horizon ruled against this procedure as it is considered investigational and experimental. The procedure was considered investigational on a first level appeal, second level appeal and by an IRO.

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

Upon return from Executive Session, Commissioner Maillaro made a motion to deny the appeal and send it to the Office of Administrative Law to review the case and do additional fact finding. Commissioner Gennace seconded the motion; the motion passed with 4 yeses and 2 nos.

Case #2023052202: Commissioner Maillaro has recused himself from this case. The member is speaking on behalf of their dependent. The member applied for Medicare for their dependent that way in the future the dependent will have extra coverage. The member was told that the dependent's primary insurance would be State Health Benefits Plan and Medicare would be secondary. The member then found out for a category of Retirees eligible for Medicare, Medicare is made the primary insurance.

The member has requested 3 things: to relook at the policy with the insurance; to tweak the rules for when Medicare is not available, then the secondary insurance will cover it; or to make an exception for the members' child and restore the status as having School Employees Health Benefits the primary plan.

Ms. Malerba stated that when a member is enrolled in Medicare and is an Overage Handicap Dependent, Medicare becomes the primary insurance.

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

Upon return from Executive Session, Commissioner Graff-Policastro made a motion to go back into Executive Session. Commissioner Rivera-Perez seconded the motion; all voted in favor.

Upon return from Executive Session, Commissioner Rivera-Perez asked the member if the dependent has incurred any medical claims since January 2023. The member stated yes and that most, if not all, claims have been denied. It was then clarified that facilities had denied the member and no costs were incurred from that. The member also stated that they have not reached out to Medicare for assistance in finding a facility.

Commissioner Graff-Policastro made a motion to table the appeal in order for the Division to learn more information regarding this case and the claims. Once the Division has this information, they will reach out to the member and dependent and let them know their options. Commissioner Favinger seconded the motion; all voted in favor.

Commissioner Rivera-Perez made a motion for a five minute recess. Commissioner Maillaro seconded the motion; all voted in favor.

Commissioner Graff-Policastro made a motion to come out of recess and Closed Session and go into Open Session. Commissioner Maillaro seconded the motion; all voted in favor.

Case #2023052203: This appeal was deadlocked at the March Commission meeting to approve the income-related monthly adjustment amount surcharge reimbursement for the timeframe of 2009 to 2019. The Division did not receive the required documentation to issue a premium refund, therefore the appeal had been denied. It has been confirmed that the member's name and correct address was on the mailing list to receive the annual Retiree letters outlining the excess Medicare Part A and Part B reimbursement program. The member is requesting an OAL request.

Commissioner Graff-Policastro made a motion to send this appeal to the OAL. Commissioner Maillaro seconded the motion; all voted in favor.

Case #2023052204: This is an FAD request for K.A. Commissioner Rivera-Perez made a motion to approve this FAD request. Commissioner Maillaro seconded the motion; all voted in favor.

Case #2023052205: This is an FAD request for S.H. Commissioner Gennace made a motion to approve this FAD request. Commissioner Rivera-Perez seconded the motion; all voted in favor.

Case #2023052206: This is a Workmans' Compensation, K.P. from Horizon.

Commissioner Gennace made a motion to approve this case. Commissioner Rivera-Perez seconded the motion; all voted in favor.

Commissioner Maillaro made a motion to move into Executive Session.

Upon return from Executive Session, Commissioner Maillaro made a motion to adjourn. Commissioner Rivera-Perez seconded. All voted in favor and the meeting was adjourned at 12:00 pm.

Respectfully submitted,



Kelly Fields

State Health Benefits Commission