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 2021 annual meeting schedule was mailed to the Secretary of State on December 19, 2020, and Star Ledger and the Trenton Times on December 23, 2020. Updates regarding the telephonic meeting were sent to the Secretary of State on July 28, 2021. The Division website was updated on August 2, 2021.

The meeting of the School Employees’ Health Benefits Commission of New Jersey was called to order on Monday, September 27, 2021 at 10:00am. Due to health and safety concerns for the public regarding COVID-19, the meeting of September 27, 2021, was not be held in-person and instead be conducted via teleconference.

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.

Acting Secretary Nicole Ludwig took Roll Call and established that a quorum was present.

**Commissioners:**
- Thomas Gallagher
- Kevin Kelleher
- Sonia Rivera-Perez
- Denise Graff Policastro
- Julie Giordano Plotkin
- Carl Tanksley
- Michael Maillaro

**Also Present:**
- Alison Keating, Deputy Attorney General
- Nicole Ludwig, Division of Pensions and Benefits
- Andrew Lawson, Division of Pensions and Benefits
- Joyce Malerba, Division of Pensions and Benefits
- Theresa Williams, Division of Pensions and Benefits
- Donna Ruotola, Horizon
- Louisa Andrade, Horizon
- Steve White, Optum RX
- Paul Eberle, Optum RX
- Kate Miller, Optum RX

Acting Secretary Ludwig advised that Chairperson Tanksley would be taking over for Cynthia Jahn.
**Interim Chair**

Commissioner Kelleher nominated Thomas Gallagher to Interim Chair. Commissioner Giordano Plotkin seconded. The commission voted in favor of the motion, and Thomas Gallagher was named Interim Chair for the meeting.

Commissioner Kelleher made a motion to go into Closed Session to hear the Closed Session appeals that contain protected health information. Commissioner Giordano Plotkin seconded. All voted in favor.

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

**Case #2021092701:** The appeal was regarding an appeal for out-of-network reimbursement for physical therapy services. The services were subject to a $52 cap, which applies to physical therapy services. The member believes that because the provider is not a physical therapist, but is a doctor of osteopathy, that the limitation should not apply.

Horizon explained that the claims are based on the services provided. The member stated that they believed the services provided do not fall under the scope of physical therapy and should be billed differently.

Commissioner Kelleher made a motion to deny the appeal based on the plan’s payout on codes and services that were rendered. However, there is the availability to leave this open for the member and provider to review the codes and verify that the codes actually match the procedures, and allow Horizon to process the claims if the new procedures come in that are appropriate. The member has 30 days to present new documentation to Horizon for re-review of the claim. Commissioner Giordano Plotkin seconded. All voted in favor. The motion passed.

**Case #2021092702:** The member and family had received care from doctors that they were told were in-network, on a recorded line, and later found out the doctors were out-of-network. The member is on a HMO plan which has no out-of-network benefits and requires that all doctors are participating with Horizon directly.

Horizon advised that there was a second recorded phone call and an online chat where the member was correctly advised that the doctor was out-of-network.

Commissioner Kelleher made a motion to deny the appeal. Commissioner Gallagher seconded. All voted in favor. The motion passed.

**Case #2021092703:** The member was appealing the denial of a growth hormone treatment for their dependent child. The member presented the child’s medical history, the child’s success with the growth hormone, and the Optum appeal process.

Optum reviewed the process of how and why the growth hormone was denied under their prior authorization criteria.

Commissioner Kelleher made a motion to move to Executive Session. Commissioner Maillaro seconded. All voted in favor.
Upon return from Executive Session, Commissioner Kelleher made a motion to deny the appeal based on the outline that the patient did not meet the medical criteria for the requested prescription. Commissioner Policastro seconded. All voted in favor.

**Case #2021092704:** This appeal was regarding an Optum RX excluded medication that is over the counter. Optum advised that there are numerous types of the medication on the market, available as over-the-counter and prescription. Clinical evidence suggests no major difference in efficacy among the different medications, and Optum covers two options on the formulary. Due to the therapeutically equivalent products available over-the-counter, the excluded agents in this class are considered a benefit exclusion and not eligible for a medical necessity review under Optum RX.

Commissioner Kelleher made a motion to deny the appeal. Commissioner Maillaro seconded. All voted in favor, the appeal was denied.

**Case #2021092705:** This appeal was regarding an Optum RX excluded medication that is over the counter. Optum advised that there are numerous types of the medication on the market, available as over-the-counter and prescription. Clinical evidence suggests no major difference in efficacy among the different medications, and Optum covers two options on the formulary. Due to the therapeutically equivalent products available over-the-counter, the excluded agents in this class are considered a benefit exclusion and not eligible for a medical necessity review under Optum RX.

Commissioner Kelleher made a motion to deny the appeal. Commissioner Giordano Plotkin seconded. All voted in favor, the appeal was denied.

**Case #2021092706:** Horizon had denied the appeal for three services provided by a dentist in connection with the treatment of TMJ. Upon review, these services had been approved in years past.

Commissioner Kelleher made a motion to approve two appeals for payment, and the third appeal be reviewed for additional medical documentation to determine if it was medically necessary. The provider or member would have 30 days to submit information regarding the third appeal. Commissioner Gallagher seconded. All voted in favor. The motion passed.

Commissioner Gallagher made a motion to move to Open Session. Commissioner Maillaro seconded. All voted in favor.

**Final Administrative Determination**

A copy of the Final Administrative Determination was available to all members of the Commission before the meeting for review.

Commissioner Maillaro made a motion to adopt the Final Administrative Determination. Commissioner Tanksley seconded. All voted in favor. The Final Administrative Determination was adopted and would be provided the family as well as their representation.
Other Business

Commissioner Maillaro asked for a status update regarding the Garden State plan. Andrew Lawson from the Division of Pensions and Benefits advised that it is in the evaluation process.

Adjournment

Commissioner Gallagher made a motion to adjourn. Commissioner Maillaro seconded. All voted in favor and the meeting was adjourned at 12:45 pm.

Respectfully submitted,

Nicole Ludwig
Acting Secretary
State Health Benefits Commission