

State Health Benefits Commission

Open Session Minutes

March 10, 2021

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 2020 annual meeting schedule was mailed to the Secretary of State, Star Ledger and the Trenton Times on December 29, 2020. Updates regarding the Telephonic meeting were sent to the Secretary of State and posted to the Divisions Website on February 19, 2021.

The meeting of the State Health Benefits Commission of New Jersey was called to order on Wednesday, March 10, 2021 at 10 am. Due to COVID-19 this meeting was held telephonically.

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:

Susanne Culliton, representing State Treasurer Elizabeth Maher Muoio

Gale Simon, representing Commissioner of the Department of Banking and Insurance Marlene Caride

Dudley Burdge, Representative for Local Government Employees

Deirdre Webster Cobb, CEO, Civil Service Commission (appearing telephonically)

Debra Davis, Representative for State Government Employees

Also Present:

Amy Chung, Deputy Attorney General

Alison Keating, Deputy Attorney General

Christin Deacon, Division of Pensions and Benefits

Debra Pelto, Division of Pensions and Benefits

Nicole Ludwig, Division of Pensions and Benefits

Meeting Minutes

Chairperson Culliton made a motion to approve the meeting minutes from January 13, 2021 as well as May 13, 2020. Commissioner Webster Cobb seconded the motion; all voted in favor.

NEW BUSINESS- OPEN SESSION APPEALS:

Case # 0310202101: This case is for the City of Patterson. The appeal is for a declaratory ruling. Mr. Spinally, the attorney representing the City of Patterson presented the appeal. He stated the City is in the middle of appealing the decision to transition to the SHBP. He

explained this concerns mostly the vested retirees whose benefits, particularly the prescription benefits, are vested under Collective Bargaining Agreements which cannot be renegotiated based upon the terms of those agreements. Commissioner Burge asked if this was just in relation to the prescription plan. Mr. Spinelli stated the preferred avenue is to join the SHBP, but allow there to be a separate prescription plan for the retirees and certain bargaining units.

Chairperson Culliton made a motion go into executive session to seek advice from the Deputy Attorney General. Commissioner Burge seconded the motion; all voted in favor.

Upon return from Executive Session, Chairperson Culliton made a motion to indicate that the State Health Benefits Commission would decline to act on a declaratory ruling at this time. She explained that the Commission understands there is an appeal pending at an advanced level between the parties, and the SHBP Commission typically does not get involved in employer disputes. Commissioner Davis seconded the motion; all voted in favor.

Chairperson Culliton made a motion to go into Closed Session to hear appeals. Commissioner Davis seconded; all voted in favor. At this time the meeting entered into Closed Session.

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

New Business: Closed Session Appeals

Case # 0310202102: This appeal is for coverage of an excluded medication. The member presented the appeal stating the medication is currently being covered by the Word Trade Center Health Organization as part of the services provided during 9-11. The appeal is for reimbursement of out of pocket expenses for the time the medication was not covered.

Chairperson Culliton made a motion go into executive session to seek advice from the Deputy Attorney General. Commissioner Davis seconded the motion; all voted in favor.

Upon return from executive session, Chairperson Culliton made a motion to deny the appeal as the medication is excluded from the plan. Commissioner Simon seconded the motion; the appeal was denied 3:2 (Commissioners Burge and Davis voted nay).

Commissioner Burge made a motion to refer the need for medical necessity review on excluded medications to the PDC for review and consideration. Commissioner Davis seconded the motion; all voted in favor.

Case # 0310202103: This appeal is for excluded medication. Steve White of OptumRx presented the appeal as the member was not present at the meeting.

Chairperson Culliton made a motion to deny the appeal as the medication is excluded from the plan. Commissioner Simon seconded the motion; the appeal was denied 3:1:1 abstain (Commissioners Burge voted nay; Commissioner Davis abstained).

Chairperson Culliton made a motion go into Open Session to hear open session appeals. Commissioner Burge seconded the motion; all voted in favor.

Case # 0310202104: DAG Edwards reviewed the ALJ's initial decision which was provided to the Commission, as well as provided an overview of the appeal.

Chairperson Culliton made a motion to adjust the ID from the ALJ based upon the arguments raised by the DAG, and noted the exceptions from Counsel for petitioner. Commissioner Webster-Cobb seconded the motion. The motion passed 3:1:1 (Commissioner Burge voted nay, Commissioner Davis abstained).

Case # 0310202105: Chairperson Culliton made a motion to deny the request for a hearing at the Office of Administrative Law; and directed the Acting Secretary to compose a Final Agency Determination. Commissioner Webster-Cobb seconded the motion; 3:2 (Commissioners Burge and Davis Abstained).

Case #0310202106: Chairperson Culliton made a motion to authorize Equian to settle the matter as presented. Commissioner Simon seconded the motion; all voted in favor.

Commissioner Simon made a motion to adjourn. Commissioner Webster-Cobb seconded. All voted in favor and the meeting was adjourned at 12:31pm.

Respectfully submitted,



Nicole Ludwig
Acting Secretary
State Health Benefits Commission