

State Health Benefits Commission
Meeting Minutes
May 16, 2019

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 2019 annual meeting schedule was mailed to the Secretary of State, Star Ledger and the Trenton Times on December 20, 2018.

The meeting of the State Health Benefits Commission of New Jersey was called to order on Wednesday, March 13, 2019 at 10:00 AM. The meeting was held at the Division of Pensions and Benefits, 50 West State Street in Trenton.

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.

Roll Call

Commissioners:

Susanne Culliton, Chairperson, representing State Treasurer Elizabeth Maher Muoio
Holly Gaenzle, representing Commissioner of the Department of Banking and Insurance Marlene Caride
Dudley Burdge, Representative for Local Government Employees
Debra Davis, Representative for State Government Employees
Deirdre Webster Cobb, CEO, Civil Service Commission (appearing telephonically)

Also Present:

Andrew Lawson, New Jersey Division of Pensions and Benefits
Nicole Ludwig, New Jersey Division of Pensions and Benefits
Christopher Meyer, Deputy Attorney General
Beth Mitchell, Assistant Attorney General

Commissioner Davis made a motion to go into Closed Session, Commissioner Burdge seconded the motion; all voted in favor.

The following case, due to HIPAA regulations, was heard in Closed Session:

Case #05161901: Chairperson Culliton asked if the Commissioners have had a chance to review all the documentation. Commissioner Davis indicated that she never received the full file. Acting Secretary Nicole Ludwig advised the address where the files were sent, and advised that the full files are printed for review if needed.

Commissioner Webster Cobb asked if medical necessity was proven so that step down therapy was deemed necessary. Commissioner Burdge stated that, the member had no place to live to have intensive outpatient therapy (IOP) provided. Chairperson Culliton stated that having a place to live, close to the facility is not considered to be medical necessity; however the law states that if a member doesn't have a place to live then the plan has to cover the treatment at a residential level. Commissioner Webster Cobb asked if the living conditions are directly tied to the medical condition.

Commissioner Webster Cobb asked if the condition was such that the member needed to stay in residential treatment because 24 hour supervision was needed. Chairperson Culliton stated that Judge Cookson found that 3 weeks of residential treatment was not enough time; because the member was still dependent on 24/7 monitoring. However, in December the member went home on a one week leave without monitoring. Commissioner Gaenzle asked if the approved leave indicated that the member was progressing enough to be able to go home for a week without monitoring. Commissioner Burdge stated that the reports indicated that upon return, the negative behaviors began again. Commissioner Burdge then stated the member then went home on a two week leave in February, so he is not sure what the rationale was.

Commissioner Gaenzle asked what the treatment plan for the facility was, and what the step-down therapy was designed to look like. Chairperson Culliton stated there was not a step-down therapy plan as the facility does not have one. She asked that if the facility the member chose does not have a step-down plan would the SHBP be required to pay for the entire residential stay even if the plan's doctors say it is not warranted. Commissioner Gaenzle also noted that Kantor and Kantor, the law firm representing the member also represents Avalon Hills, the facility in question. To that claim, Chairperson Culliton and Commissioner Gaenzle both confirmed that it is noted in the court documents by a witness from Avalon Hills. Chairperson Culliton stated that the Commission must now identify a date in which the step down should have begun, citing the equitable authority of the Commission.

Commissioner Burdge made a motion to go into Executive Session to seek counsel from the AAG. Chairperson Culliton seconded the motion; all voted in favor.

Upon return from Executive Session Chairperson Culliton made a motion to authorize Horizon to approve residential inpatient care through December 31, 2011 with the exception of the one week that the member was on a home pass. She then authorizes Horizon to approve partial hospitalization through the two-week leave in late February 2012. The rationale is that up until the leave in December, the member truly needed the highest level of care based upon the medical records. Commissioner Gaenzle seconded the motion. The Motion passed 4:1 (Commissioner Burdge abstained).

Commissioner Davis made a motion to return to Open Session. Commissioner Burdge seconded the motion; all voted in favor.

Adjournment:

There being no further business, Commissioner Culliton made a motion to adjourn. Commissioner Burdge seconded the motion; all voted in favor. The meeting adjourned at 10:49am.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Ludwig". The signature is written in a cursive, flowing style.

Nicole Ludwig
Acting Secretary State Health Benefit Commission