

**MINUTES OF THE MEETING OF THE
NEW JERSEY INDIVIDUAL HEALTH COVERAGE PROGRAM BOARD
HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY)
October 25, 2023**

Directors participating: Sandi Kelly (Horizon); Robert Morrow (Oxford); Colleen Picklo; Tom Pownall (Aetna); Adam Young (AmeriHealth), Phil Gennace (DOBI).

Others participating: Eleanor Heck, Deputy Attorney General.

I. Call to Order

S. Kelly called the meeting of the IHC Board to order at 10:02 A.M. She announced that notice of the meeting had been posted at the Department of Banking and Insurance (“DOBI”), on the DOBI website, at the Office of the Secretary of State, submitted to the State House Press Corps, and published in two newspapers of general circulation in accordance with the Open Public Meetings Act.

S. Kelly stated that the means by which the public could attend the meeting telephonically was posted on the Board’s website and issued electronically to all known interested parties.

S. Kelly determined a quorum was present. She stated that voting would be by roll call.

Members of the public were asked to identify themselves; public attendees, if any, are identified at the end of these minutes.

II. Minutes - May 9, 2023 and June 20, 2023

T. Pownall made a motion, seconded by A. Young to approve the May 9, 2023 meeting minutes without amendment. By roll call vote, the motion unanimously carried.

T. Pownall made a motion, seconded by C. Picklo to approve the June 20, 2023 meeting minutes as amended. By roll call vote, the motion unanimously carried.

III. Expenses – P. Gennace distributed a spreadsheet with expenses from various newspapers for public notices of Board meetings and the reinsurance hearings. S. Kelly inquired about some of the charges as they did not all seem consistent with Board meeting dates and she was not familiar with LocaliQ. P. Gennace will send the Board the actual invoices and discussion will be held at a subsequent meeting.

IV. Draft Policy Form Amendments

P. Gennace discussed the various draft amendments to the policy forms that are intended for a January 1, 2024 effective date. There was discussion on the following topics.

- Some Board members believed that the effective date for the insulin, asthma inhaler and epinephrine copay cap would be January 1, 2025. P. Gennace indicated that the lead time for the effective date of this bill was unusual and it was DOBI’s intent to make this effective on January 1, 2024. S. Kelly indicated that rates for 2024 were previously set and plan descriptions were already sent to GetCoveredNJ for open enrollment. Other carriers agreed

and said they would need to look at the pricing impact of making this effective January 1, 2024 and what assumption was in their rates.

- S. Kelly noted that the schedule and language regarding insulin, asthma inhalers and epinephrine devices should be clarified because it gives the impression that any/all insulins, asthma inhalers and epinephrine devices are at the capped copay. The bill refers to a single product.
- P. Gennace noted that the language that was added in 2023 regarding the Effect of Medicare on an Individual Health Benefits Plan section was deleted and provisions reverted back to the prior Coordination of Benefits language, with a few modifications to address the CMS guidance. There was support from multiple carriers on keeping two Medicare related provisions that were drafted for deletion: 1) anti-duplication language, and 2) providing misinformation with regard to Medicare entitlement. Carriers asked that these provisions remain, but be relocated, as a source for business practices and the reinsurance audit.
- With regard to the change in dependent terminations to the end of the calendar year for a child reaching age 26, S. Kelly asked if there could be variable text for Off-Marketplace plans to retain the termination at the end of the month. P. Gennace noted it is DOBI's preference to keep them consistent, with termination at year end.

P. Gennace had hoped the Board could vote on the proposed form at this meeting, but in light of carrier feedback and the need for carriers to review the documents further, a special Board meeting was set for November 1, 2023, with the intent to vote on the forms at that meeting. P. Gennace asked Board members to send him comments and suggestions on the draft amendments by Monday, October 30, 2023.

When asked about the timing for the policy forms, P. Gennace indicated that once the forms are proposed through OAL, the Board will use the expedited rule making authority, which allows for a 20 day public comment period and a public hearing during the 20 days. When that period ends, and the Board reviews comments received and adopts the form, they can be effective upon the date they are filed with OAL. The intended effective date is January 1, 2024. S. Kelly expressed concern that carriers may have an issue complying with this date if the cap the copay law is implemented this year. She also noted that past practice has given carriers extra time to send policy forms (or compliance and variability riders) to its members. S. Kelly offered to provide the Board a copy of what was used last year to communicate carrier obligations on issuing policy form changes.

V. Other Board Discussion

CMS Guidance on Medicare and Individual Plan Coordination – P. Gennace indicated he had nothing additional to report since releasing the email that the effective date for the coordination requirements consistent with CMS guidance is back to January 1, 2023. A Board member asked a question about the impact of this on the reinsurance audit and the January 1, 2023 policy form guidance issued at that time. P. Gennace confirmed that the reinsurance audit will not rely on the January 1, 2023 policy forms for the Medicare related claims.

HINT Form – P. Gennace noted that DOBI is working on changes to the HINT form for January 1, 2024 to address the Medicare and IHC coordination CMS guidance. S. Kelly asked if DOBI

could also update the HINT form to add a category for the triggering event for “moving counties within NJ” which was implemented January 1, 2023, since the form does not list this as a triggering event. P. Gennace asked for written input on the desired change for the “moving counties within NJ” triggering event.

S. Kelly also asked about CMS edge reporting and whether the HINT form would be used to collect race, ethnicity and IHCRA and QSEHRA data. She noted the need for significant lead time to collect, store and report on this data. P. Gennace said that DOBI has not yet determined the changes needed for this reporting and asked if there were other ways to collect this data.

Reinsurance Payment – A. Young asked if DOBI was on track to issue reinsurance payments by November 1, 2023 and P. Gennace responded they were.

VI. Close of Meeting

S. Kelly made a motion, seconded by A. Young, to adjourn the meeting. By roll call vote, the motion unanimously carried.

[The meeting ended at 11.25 A.M.]

Identified Public Attendees:

- Robert Axelrod, Oscar Garden State Health Ins. Corp.¹
- Kathy Grason, Oscar Garden State Health Ins. Corp.

¹ Oscar is a member of the Small Employer Health Benefits Program Board of Directors, as are several of the Directors on the IHC Board; however, there was not a quorum of the SEH Board present, and all discussions and actions at the meeting concerned the specific public business of the IHC Board.