

**MINUTES OF THE MEETING OF THE
NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM BOARD
HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY)
March 20, 2024**

Members Present:

Herbert K. Ames
Robert Axelrod
Alison Birzon
Gary Cupo
Phil Gennace
Margaret Koller
Taylor Kopelan
Bob Morrow
Thomas Pownall
Adam Young

Others:

Eleanor Heck (DAG)

I. Call to Order

M. Koller called the meeting to order at 10:02 A.M.

II. Public Comments

No public comments were offered.

III. Review of Meeting Minutes:

A. Young made a motion to approve the Meeting Minutes for February 21st, 2024, without amendments. This motion was seconded by H. Ames, and R. Axelrod, A. Birzon P. Gennace, M. Koller, B. Morrow, T. Pownall, T. Kopelan and A. Young voted yes. G. Cupo abstained. The motion was carried unanimously.

IV. Update on Implementation of P.L.2023, c.194

P. Gennace offered an overview of an implementation plan for new legislation. The two laws that passed in late 2023 that are relevant for the operation of the Small Employer Health Benefits Program are P.L. 2023, c. 182 and P.L. 2023, c. 194. Chapter 182 implementation involves a study of the regulated commercial insurance market, and the Department is working with an actuarial firm to complete that work. Chapter 194 will require a change to the regulation of formularies and will necessitate updating regulations promulgated by the Department. The Department will also need to remove limits on cost sharing beyond those included in the Affordable Care Act through regulatory changes. P. Gennace also stated that Board regulations need to be updated in accordance with the new legislation.

P. Gennace proposes that the Board have a two-track approach to advance legislative implementation. Some components, including for example updating policy forms, will follow the expedited rule making process while other changes, such as updating Board regulations, will adhere to standard rule making procedures. An initial draft of policy forms will be done by the Department for SEH Board review as quickly as feasible, with a goal of adopting them in time for the updates to be reflected in 2025 rate filings.

A. Young asked P. Gennace what his thoughts were on practical filing rules.

P. Gennace explained that proposed regulations and bulletins will likely not be in place before rate filings, but policy forms that are changed through expedited rule making make changing them quick so that they will be in place before rate filing deadlines. P. Gennace stated that the policy forms will likely be proposed to the Board in April.

A. Young asked P. Gennace if he could provide more details on the new copayment rules and whether the Department considered applying the new copayment rules for all groups including mid-size customers.

P. Gennace replied that the Department is still working on those rules.

A. Young proposes that the new copayment rules apply to all size groups.

R. Axelrod echoed that approach for consistency.

P. Gennace indicated that the legislature could have included the large group market in the new law but did not. P. Gennace acknowledged the request of the board members but reiterated the scope of the legislation.

P. Gennace stated that the Department would circulate the proposed changes to the board.

P. Gennace also explained that there are aspects of the new law that require annual reviews that the Board is charged with doing, but because the Board is transitioning, the Board will address that in the future. P. Gennace explained the market study the Department is undertaking will help the Board conduct the annual review.

M. Koller stated that the Board should focus on the most time sensitive items, including the policy forms. In addition, she suggested that there be a standing agenda item for all subsequent meetings over the next year that includes a status update on the implementation of the core components of the legislation.

P. Gennace mentioned that the Board may need to convene additional meetings to facilitate timely review and approval of program changes.

M. Koller emphasized the need to maintain a consistent meeting schedule that includes substantive updates on the progress of legislative implementation.

VII. Close of Meeting

H. Ames made a motion to adjourn the meeting. T. Pownall seconded the motion. All voting members present voted yes. The motion was carried.

[The meeting adjourned at 10:35 A.M.]

Public known to be in attendance:

Julie Bogard (AmeriHealth)

Kristen Jarosz (Horizon)

Kelly Ferreira (Horizon)

Sandra Araujo (Horizon)

Teresa Sullivan (Horizon)

Dana Kelly (Horizon)

Teisha Biez (Horizon)

Amanda Blake (Horizon)