

State Health Benefits Commission

Open Session Minutes

May 13, 2020

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 26, 2019. Updates regarding the telephonic meeting were sent to the Secretary of State on April 18, 2020.

The meeting of the State Health Benefits Commission of New Jersey was called to order on Wednesday, May 13, 2020 at 10 am. Due to health and safety concerns for the public regarding COVID-19, the meeting of May 13, 2020, 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:

Susanne Culliton, representing State Treasurer Elizabeth Maher Muoio

Gail 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:

Cristopher Meyer, Deputy Attorney General

Christin Deacon, Division of Pensions and Benefits

Andrew Lawson, Division of Pensions and Benefits

Nicole Ludwig, Division of Pensions and Benefits

Meeting Minutes

Chairperson Culliton made a motion to approve the November 20, 2019 Open and Executive session meeting minutes. Commissioners Deirdre Webster-Cobb seconded; Minutes were approved.

Case #0513202001: Chairperson Culliton made a motion to authorize Equian to settle the matter as presented. Commissioner Burge seconded the motion; all voted in favor.

Case #0513202002: Chairperson Culliton made a motion to authorize Equian to settle the matter as presented. Commissioner Davis seconded the motion; all voted in favor.

Case #0513202003:

This open session appeal is for eligibility into the State Health Benefits Plan from 2008 through 2014. The member presented the appeal stating that the Borough has the member listed as a contracted employee, however, the member states they are a bona fide employee. The attorney for the Borough presented on behalf of the employer.

Chairperson Culliton made a motion to go into Executive Session to seek advice from the Deputy Attorney General. Commissioner Burdge seconded the motion. DAG Meyer asked the following questions for clarification prior to entering Executive Session.

DAG Meyer asked how often the counsel for the Borough would meet. The member stated they met twice a month.

DAG Meyer asked for the 2008 through 2011 years how many hours was the member billing the borough? The member stated they would have to verify that and provide that at a later meeting.

DAG Meyer asked during the years of 2008 through 2011 the member worked for more than 20 hours. The member confirmed.

DAG Meyer asked several other questions regarding the creation of the position for the Borough Attorney.

At this time Chairperson Culliton reaffirmed the motion to go into Executive Session to seek advice from the DAG. Commissioner Simon seconded the motion; all voted in favor.

Upon return from Executive Session, Chairperson Culliton made a motion to table the appeal to allow the Borough to provide additional documentation, and to allow the member time to reply to these documents. Commissioner Davis Seconded the motion; all voted in favor.

Chairperson Culliton made a motion to go into Closed Session to hear Appels that contain protected health information. Commissioner Webster- Cobb seconded the motion; all voted in favor.

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

Case # 0513202004 Mr. Ginsburg, the attorney representing the member explained the appeal is for 15 hours of Private Duty Nursing (PDN) for a dependent. The attorney stated that the PDN was to be reduced to 12 hours per day. Mr. Ginsburg stated that the reduction in hours would be a burden to the family, and would not be consistent with the care needed for the dependent.

Donna Ruotola, along with Dr. Claudia Hansen, both from Horizon, reviewed the case and explained that the PDN was reduced on January 19, 2020 to 14 hours PDN, and would be reduced to 12 hours PDN on February 10, 2020 due to medical necessity. Mrs. Ruotola explained that the appeal was reviewed by AllMed the Independent Review Organization, and it was determined that 16 hours of PDN were not medically necessary. She stated that the 12 hours of PDN will be in place until July 1, 2020 at which time further review will be conducted.

Dr. Hansen of Horizon went over the process of determining PDN.

Chairperson Culliton made a motion to go into Executive Session to seek advice from the Deputy Attorney General. Commissioner Burdge seconded the motion; all voted in favor.

Upon return from Executive Session Chairperson Culliton made a motion to uphold Horizon's determination for 12 hours PDN. Chairperson Culliton advised the family to provide as much medical documentation to support the need for additional hours to Horizon. She then directed Horizon to reevaluate the medical documentation in July as outlined in the letter from Horizon. Commissioner Webster-Cobb seconded the motion; the motion passed 4:1 (Commissioner Burdge voted Nay).

Chairperson Culliton asked the family if the dependent was covered under Medicaid, as there may be additional PDN hours that would be covered federally. The member stated that the family is beginning the process of enrolling in Medicaid.

Case # 051320205: DAG Strickler reviewed the Initial Decision from the Office of Administrative Law, as well as the exceptions provided to the Commissioners prior to the meeting.

Commissioner Burdge asked if the question was regarding medical necessity, Dr. Hansen of Horizon stated that the last time that medical necessity review was requested was in 2011, the surgery was performed on August 2, 2017.

Chairperson Culliton made a motion to reject the determination of the ALJ for the reason set for in the exceptions. Commissioner Webster-Cobb seconded the motion; the motion passed 3:2 (Commissioner Burge voted Nay, Commissioner Davis abstained).

Case # 051320206: DAG Meyer explained this was a brief update regarding the settlement case presented at the March meeting by DAG Chung. He explained that this is simply a request to the Commission to have the Acting Secretary Nicole Ludwig sign the settlement. Commissioner Simon made a motion to allow Acting Secretary Mrs. Ludwig sign the agreement. Commissioner Webster-Cobb seconded the motion; all voted in favor.

Chairperson Culliton made a motion to adjourn. Commissioner Burge seconded. All voted in favor and the meeting was adjourned at 2:39 pm.

Respectfully submitted,



Nicole Ludwig
Acting Secretary
State Health Benefits Commission