

FINAL
MINUTES OF THE MEETING OF THE
NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM BOARD
AT THE OFFICES OF THE
NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE
TRENTON, NEW JERSEY
May 15, 2019

Members participating: Herb Ames; Robert Benkert (Oxford); Chrissy Buteas; Natalie Bernardi (Cigna); Gary Cupo; Phil Gennace (DOBI); Laura Hahn; Margaret Koller; Taylor Kopelan (Horizon); Thomas Pownall (Aetna).

Others participating: Ellen DeRosa, Executive Director; Chanell McDevitt, Deputy Executive Director; Christine Machnowsky, Deputy Executive Director; Rosaria Lenox, Managing Financial Officer; Jeff Posta, Deputy Attorney General.

I. Call to Order

E. DeRosa called the meeting to order at 10:00 A.M. She announced that notice of the meeting was provided to three newspapers of general circulation and the State House Press Corps, and posted at the Department of Banking and Insurance (“DOBI”), on the DOBI website, and at the Office of the Secretary of State in accordance with the Open Public Meetings Act. Following a roll call, she determined there was a quorum present, and stated that all votes would be by roll call because some of the Board members were participating by phone.

II. Public Comments

There were no public comments.

III. Minutes of April 17, 2019

T. Pownall made a motion, seconded by N. Bernardi, to approve the minutes of the meeting of April 17, 2019, without amendment. By roll call vote, the motion carried, with L. Hahn abstaining.

IV. Out-of-Network Billing and Arbitration (P.L. 2018, c. 32)/DOBI Bulletin

E. DeRosa noted there was no other Board business on the agenda, and asked if there was anything else Board members wanted to discuss. One Board member asked whether carriers’ explanations of benefits (EOBs) are providing a statement regarding the arbitration right and process established under P.L. 2018, c. 32. E. DeRosa explained that DOBI issued Bulletin 18-14¹ in November of 2018, establishing some guidelines on multiple issues, including the notices to be provided regarding out-of-network bills and the arbitration program. She stated that one of the required notices should be provided in the EOB, or in a separate document issued with the EOB. She noted that in all instances, carriers should be letting their covered persons know that they are responsible only for cost-sharing that applies when accessing in-network services in the event the covered person receives services from out-of-network providers in an emergency/urgent situation or

¹ On the DOBI website at https://www.nj.gov/dobi/bulletins/blt18_14.pdf.

otherwise inadvertently. She further explained that arbitration is really between the carrier and the health care provider, as are any intervening negotiations, but consistent with Bulletin 18-14 and its sample notices, carriers should be disclosing to consumers that an arbitration process may be used in some instances, and may have an impact on amounts ultimately paid for services.

V. Public Comments

There were no public comments.

VII. Close of Meeting

H. Ames made a motion, seconded by P. Gennace, to close the meeting. By roll call vote, the motion carried.

[The meeting adjourned at 10:15 A.M.]