

FINAL
MINUTES OF THE MEETING OF THE
NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM BOARD
HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY)
February 17, 2021

Members participating: Herb Ames; Robert Axelrod (Oscar); Robert Benkert (United); Natalie Bernardi (Cigna); Chrissy Buteas; Gary Cupo; Philip Gennace (DOBI); Laura Gunn; Margaret Koller; Taylor Kopelan (Horizon); Tony Taliaferro (AmeriHealth).

Others participating: Ellen DeRosa, Executive Director; Chanell McDevitt, Deputy Executive Director; Rosaria Lenox, Managing Financial Officer; Jeffrey 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.

E. DeRosa noted that, pursuant to P.L. 2020, c. 2, as a result of the state of emergency and public health emergency declared by Governor Murphy on March 9, 2020 through Executive Order 103, as subsequently extended,¹ due to the COVID-19 pandemic, the SEH Board’s regularly scheduled meeting is being held entirely telephonically rather than at the Board’s offices in Trenton. She stated that, in accordance with P.L. 2020 c. 11, electronic notice of the change in the meeting and 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.

Members of the public were asked to identify themselves, and are listed at the end of these minutes.

E. DeRosa welcomed Robert Axelrod, Oscar’s new representative, to the Board.

II. Public Comments

There were no public comments.

III. Review of Minutes of January 20, 2021

M. Koller made a motion, seconded by L. Gunn, to approve the minutes of the meeting of January 20, 2021, with amendment. By roll call vote, the motion carried.

IV. Report of Staff – Enrollment Declines

E. DeRosa reminded Board members that the Board gathered enrollment data for calendar year 2019, finding that, as of 12/31/19:

¹ Executive Order 103 (Murphy) has been continuously extended multiple times since originally issued, the most recent extension occurring on January 19, 2021 pursuant to Executive Order 215 (Murphy).

- 64,173 lives were reported enrolled in level-funded plans
- 49,495 lives were reported enrolled in MEWAs
- 76,000 lives were reported enrolled through PEOs

E. DeRosa asked whether the Board was interested in continuing to pursue the general topic for the 2020 calendar year. She stated that she anticipated having 4Q20 enrollment numbers for the SEH market available in March, and that she would include SEH information in any requests for 2020 data from level funded plans, MEWAs and PEOs.

Several Board members expressed interest in looking at the numbers again for calendar year 2020. These Board members noted that 2019 might be considered the benchmark and recognized that 2020 might not be quite normal, but nevertheless, may provide useful information. One member suggested looking for captive enrollment, and indicated a willingness to look at this issue more closely. There was consensus that, before determining what, if anything, the Board should do with the information, it is important to have the data to inform further discussion.

V. New Jersey Educator's Plan

There was a request to discuss the New Jersey Educator's Plan.² E. DeRosa briefly explained that legislation enacted in December 2020 permits any health insurance company to provide the equivalent of the New Jersey Educator's Health Plan to school boards notwithstanding any other state law to the contrary. She pointed out that there are aspects of the New Jersey Educator's Health Plan, which is set forth in statute, that do not comport with existing SEH plans, including a requirement for a closed formulary, a mandatory generic requirement, and a number of cost-sharing requirements that differ from minimum standards, and thus, need to be addressed. She noted, however, that the plan design is not the only issue that needs to be addressed in order for a carrier to offer a fully-insured New Jersey Educator's Health Plan.

After brief discussion, it was agreed that the topic would be added to the Board's March agenda, and that the legislation would be distributed to Board members, in the event some are not familiar with it.

VI. Public Comments

There was no public comment.

VII. Close of Meeting

M. Koller made a motion, seconded by L. Gunn, to close the meeting. By roll call vote, the motion carried.

[The meeting adjourned at 10:30 A.M.]

Public known to be in attendance:

- Paige Chan, NJBIA

² Collectively, P.L. 2020, c. 44 and P.L. 2020, c. 137. These statutes were enacted on July 1, 2020 and December 18, 2020, respectively.