

FINAL
MINUTES OF THE MEETING OF THE
NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM BOARD
HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY)
June 16, 2021

Members participating: Herb Ames (joined at 10:10); Monica Aurelian (Oscar); Robert Benkert (United); Natalie Bernardi (Cigna); Gary Cupo; Philip Gennace (DOBI); Margaret Koller; Taylor Kopelan (Horizon); Thomas Pownall (Aetna Health); 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 this special 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 introduced Monica Aurelian as the Board representative for Oscar Garden State Insurance Corporation, replacing Robert Axelrod in that position.

II. Public Comments

There were no public comments.

III. Minutes of May 19, 2021

T. Pownall made a motion, seconded by M. Koller, to approve the minutes of the meeting of May 19, 2021. By roll call vote, the motion carried, with M. Aurelian abstaining.

¹ Executive Order 103 (Murphy) has been continuously extended multiple times since originally issued, the most recent extension occurring on May 14, 2021 pursuant to Executive Order 240 (Murphy) as modified by E.O. 244, issued June 4, 2021, regarding the declared Public Health Emergency.

IV. Report of Staff –Expense Report

R. Lenox presented the Expense Report for June, totaling \$1,021.50, for actual 3Q charges from the Division of Law, and half of her CPE Course Subscription. She noted that these particular expenses would need to be paid through the Board's checking account, and recommended a transfer of \$1,000 from the Board's Money Market account to fund the payments.

G. Cupo made a motion, seconded by T. Pownall, to approve the June Expense Report, and transfer of \$1,000 from the Board's Wells Fargo Money Market account to its Checking account to pay the expenses. By roll call vote, the motion carried.

V. Impact of Executive Order 244 on DOBI Bulletin 20-12

The question arose as to the implications of Governor Murphy's Executive Order 244 (E.O. 244) on DOBI Bulletin 20-12, which addresses multiple topics related to administration of small employer plans, including renewal of the group based on whether it continues to qualify as a small employer group, and the determination of when someone is eligible for a continuation election or coverage under the group policy based on being actively-at-work and in full-time status.² P. Gennace stated the DOBI is looking at the impact of E.O. 244, and indicated it would be very helpful to have a list of the questions carriers believe need to be addressed. It was agreed that carriers should send their questions to E. DeRosa, preferably by June 23, and she would aggregate them for the DOBI.

VI. Public Comments

There were no public comments.

VII. Additional Issues: *Small Employer Health Benefits (SEH) Program Buyer's Guide; Members Health Plan; ARPA and State Continuation*

SEH Buyer's Guide

The question arose as to when updates to the Small Employer Buyer's Guide were likely to be made available. E. DeRosa noted that an updated SEH Buyer's Guide had been submitted to the webmaster.

Members Health Plan

There was a question regarding the status of Members Health Plan, and actions that may be taken to address its bankruptcy,³ with it being noted that many employers are concerned about the potential assessment to fund liabilities, and that the company seems to be releasing contradictory information about possible renewals, and otherwise providing notices inconsistent with its contracts. P. Gennace stated he does not have information to provide about Members Health Plan.

² NB: Bulletin 20-12 requires carriers to disregard the period of the State of Emergency in reviewing a small employer's status, which otherwise would be determined by establishing an employer's employee count during the preceding calendar year (in this case, CY2020). The bulletin also provides that carriers should relax the full-time requirement and the definition of actively-at-work to allow employees to remain on the small employer policy, rather than becoming eligible for continuation options.

³ NB: Members Health Plan NJ is the d/b/a of Affiliated Physicians and Employers Master Trust, a registered MEWA operating in New Jersey, which filed Chapter 11 bankruptcy in May 2021.

ARPA and State Continuation

There was a question whether any guidance would be released addressing New Jersey's state continuation requirements and federal ARPA opportunities. P. Gennace indicated he had no additional information to provide.

VIII. Close of Meeting

M. Koller made a motion, seconded by H. Ames, 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:

- Hunter Griffin, NJBIA