

FINAL
MINUTES OF THE MEETING OF THE
NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM BOARD
HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY)
December 15, 2021

Members participating: Herb Ames; Robert Axelrod (Oscar); Robert Benkert (United); Natalie Bernardi (Cigna); Gary Cupo; Philip Gennace (DOBI); Laura Gunn; 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.

Before moving on with the agenda, T. Taliaferro took note that the Board had come to the end of its business for the calendar year yet again, and thanked staff, Board members, and faithful public attendees for their dedication in the endeavor.

II. Public Comments

There were no public comments.

III. Minutes of November 17, 2021

T. Pownall made a motion, seconded by H. Ames, to approve the minutes of the meeting of November 17, 2021 without amendment. By roll call vote, the motion carried.

¹ Due to the requirements of N.J.S.A. 26:13-3(b), which limits declaration of a Public Health Emergency by the Governor to 30 days, the Public Health Emergency established by E.O. 103 (Murphy) was continuously extended through multiple executive orders until E.O. 244 (Murphy), issued June 4, 2021, which declared the Public Health Emergency ended; however, E.O. 244 (Murphy) did not end the State of Emergency established by E.O. 103 (Murphy). Consequently, the Board continues to meet remotely, and public access is limited to telephonic means.

IV. Staff Report – Expense Report; Enrollment for 3Q2021

Expense Report

R. Lenox presented the expenses for December, totaling \$402.66, related to the actual 1QFY2022 charges from the Division of Law, and the costs for publishing public notices for the Board’s 2022 meeting schedule in three newspapers. R. Lenox recommended transferring \$400 from the Board’s Money Market account to its Checking account, both in Wells Fargo, to pay the expenses, if approved.

G. Cupo made a motion, seconded by H. Ames, to approve payment of the reported expenses, and transfer of \$400 from the Board’s Wells Fargo Money Market account to the Board’s Wells Fargo Checking account in order to make the payments. By roll call vote, the motion carried.

Enrollment Report 3Q2021

E. DeRosa stated that the 3Q2021 enrollment data had been aggregated and that, for the first time since 2013, enrollment in the SEH market had increased quarter-to-quarter. She acknowledged that the increase may be due to the insolvency of Members Health Plan MEWA,² which required employers to seek alternate coverage. Several things were noted: the increase in enrollment represents only a fraction of the enrollment that had been in Members Health Plan; the change in the number of contracts relative to the number of covered lives suggests the groups most recently buying into the SEH market may be quite small; and, the relative distribution of the plans by actuarial value (AV) changed only slightly in the gold and platinum AV levels.

	2Q2021	3Q2021
Total Covered Lives	292,855	299,134
<i>Employees</i>	<i>166,800</i>	<i>169,938</i>
<i>Dependents</i>	<i>126,055</i>	<i>129,196</i>
Total Contracts	47,437	48,431
<i>Bronze</i>	<i>7.2%</i>	<i>7.2%</i>
<i>Silver</i>	<i>47.6%</i>	<i>47.6%</i>
<i>Gold</i>	<i>33.8%</i>	<i>33.7%</i>
<i>Platinum</i>	<i>11.4%</i>	<i>11.5%</i>

One Board member noted that it was good that insured SEH plans remain a viable product option for some small employers.

V. Loss Ratio Report for 2020

E. DeRosa stated that she had included the 2020 Loss Ratio Report on the agenda in the event the DOBI would be able to discuss it, but that the DOBI actuarial staff was still reviewing certain details, and was not yet ready to provide the report. She indicated DOBI had shared a brief overview as follows:

² Members Health Plan is a d/b/a of Affiliated Physicians and Employers Master Trust, which filed Chapter 11 bankruptcy on 5/24/2021, and subsequently began an orderly wind-down of the plan.

- AmeriHealth HMO, AmeriHealth Insurance Company of NJ, and Oxford Insurance Company each owe refunds for 2020, which must be distributed by December 31, 2021.
- The total amount to be refunded is about \$43,086,028.

VI. Public Comments

There were no comments.

VII. Close of Meeting

G. Cupo made a motion, seconded by T. Pownall, to close the meeting. By roll call vote, the motion carried.

[The meeting adjourned at 10:20 A.M.]

Public known to be in attendance:

- Alexis Bailey, NJBIA
- Suzanne Fitzgerald, Savoy Associates