

FINAL
MINUTES OF THE MEETING OF THE
NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM BOARD
HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY)
May 18, 2022

Members participating: Herb Ames; Alison Birzon (Cigna); Chrissy Buteas; Gary Cupo; Margaret Koller; Taylor Kopelan (Horizon); Robert Morrow (United); Thomas Pownall (Aetna Health); Gale Simon (DOBI); Jess Slayton (Oscar); Tony Taliaferro (AmeriHealth).

Others participating: Ellen DeRosa, 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 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.

E. DeRosa determined that a quorum was present, and that voting would be by roll call. She noted that since the April meeting there were two changes to Board membership: Laura Gunn and Randi Imbriaco resigned. She explained the seat L. Gunn held as a representative of small employers will require the Board to hold an election, but because R. Imbriaco was the designee for Oscar, Oscar has named a new designee, J. Slayton.

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

II. Public Comments

There were no public comments.

¹ Pursuant to N.J.S.A. 26:13-3(b), a Public Health Emergency lasts for 30 days unless extended, while States of Emergency declared in accordance with N.J.S.A. App A:9-33 et seq. remain in effect until declared ended by a subsequent executive order. The Public Health Emergency was continuously extended through multiple executive orders until E.O. 244 (Murphy), issued June 4, 2021, declared the Public Health Emergency ended. However, Governor Murphy has not yet ended the State of Emergency established by E.O. 103 (Murphy). Thus, the Board continues to meet remotely, and public access is limited to telephonic means. (Notably, E.O. 280, issued January 11, 2022, resulted in another Public Health Emergency due to COVID-19, which was extended by E.O. 288 on February 10, 2022, then lifted by E.O. 292 on March 4, 2022.)

III. Minutes of April 20, 2022

T. Pownall made a motion, seconded by M. Koller, to approve the minutes of the meeting of April 20, 2022 without amendment. By roll call vote, the motion carried, with C. Buteas and J. Slayton abstaining.

IV. Policy Forms

E. DeRosa explained that while the small employer group application allows an employer to select a waiting period specific to Rehired Employees, the standard plan waiting period provision does not include text to accommodate a waiting period specific to Rehired Employees. She asked which should be revised for consistency. G. Cupo referred to a “Rule of Parity” that he said applies to large employer plans. As no other Board member indicated any familiarity with that rule, G. Cupo offered to send the rule to E. DeRosa so it could be shared with the Board. The Board requested that the Legal Committee consider any legal issues with respect to the waiting period for Rehired Employees. The Board also requested that E. DeRosa request current practice information from carriers that offer plans in the small employer market.

T. Kopelan noted that the group application refers to “present” employees. He asked if “present” refers to the date of application or the requested effective date. E. DeRosa stated she understood it to refer to the requested effective date.

E. DeRosa said the recently adopted Federal Notice of Benefit and Payment Parameters for 2023 necessitates an amendment to the standard plans with respect to coverage of hearing aids. She explained the adoption states that age limits are discriminatory unless based on clinical evidence; thus, New Jersey’s statutory requirement for coverage of hearing aids through age 15 would be considered discriminatory unless the age 15 limit is removed. She stated that, additionally, new legislation² requiring coverage of universal home nursing visits for newborns will require a new policy provision in the policy forms. She asked Board members to consider whether other amendments to the policies should be included in any rule proposal, and send any suggestions to her within the next several weeks.

V. Public Comments

S. Fitzgerald said she understands that different carriers treat rehires differently. For example, she noted Aetna defines a rehired employee as one who returns to the employer within 12 months of leaving. She noted Horizon has allowed a rehire to resume coverage as an active employee provided the person has remained covered under NJ small group continuation or COBRA.

VI. Close of Meeting

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

[The meeting adjourned at 10:33 A.M.]

Public known to be in attendance:

- Suzanne Fitzgerald, Savoy Associates

² P.L. 2021, c. 187, enacted March 9, 2021.