

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

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 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.

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 July 20, 2022, Open Session and Executive Session

G. Cupo made a motion, seconded by T. Pownall, to approve the Open Session minutes of the meeting of July 20, 2022, without amendment. By roll call vote, the motion carried unanimously.

T. Pownall made a motion, seconded by G. Simon, to approve the Executive Session minutes of the meeting of July 20, 2022, without amendment. By roll call vote, the motion carried unanimously.

IV. Staff Report and Report of the Finance and Audit Committee – August Expense Report, and OAL charges

R. Lenox presented the August Expense report, totaling \$52,365.31, consisting solely of the charge by the Office of Administrative Law (OAL) for rules expenses for FY2022.

E. DeRosa reminded the Board that it had requested additional information regarding the OAL charges, first appearing on the July expense report, and indicated that the OAL provided additional explanations. She noted that OAL's costs related to the publication of rules had changed as a result of its most recent bid (several years ago), such that the licensing fee paid by the publisher no longer covers the full costs of the OAL's Rules Unit. She explained Treasury directed OAL to use OAL-specific budget language to recoup the uncovered costs by billing agencies to secure the funding needed to support the OAL Rules Unit, which OAL is now doing. She further explained that OAL assesses every State rulemaking agency a proportionate share of the cost of the Rules Unit remaining after the licensing fee is subtracted (paid by the publisher), noting an agency's proportionate share is determined by the total number of pages an agency has published in the New Jersey Register and the New Jersey Administrative Code during the fiscal year.

R. Lenox reported the Finance and Audit Committee (FAC) met to discuss payment of the OAL expense, which had not been budgeted for FY2022 or FY2023, and whether to revise the budget for FY2023. She stated that the FAC recommended against revising the FY2023 budget to reflect an OAL expense, concluding there is inadequate experience currently to estimate a usual charge to the SEH Program, and the actions of other agencies are entirely unpredictable. With respect to FY2022, R. Lenox stated that the SEH Board's funds for FY2022 are over the FY2022 budget by about \$42,000, but some uncertainty remains regarding audit costs, and the possibility of one additional charge for FY2022 shared expenses. She noted that the FAC recommendation is to make a special assessment for \$50,000 for FY2022 to cover any remaining FY2022 expense, including the OAL charge. R. Lenox then presented the special assessment for FY2022, acknowledging that this assessment would close-out FY2022, and have no impact on FY2023.

T. Pownall made a motion, seconded by R. Morrow, to approve the assessment as presented to collect an additional \$50,000 for FY2022 for administrative expenses incurred by the SEH Program. By roll call vote, the motion unanimously carried.

G. Simon made a motion, seconded by H. Ames to approve the August expense report, and payment of the OAL expense when the funds from the special assessment are collected. By roll call vote, the motion unanimously carried.

V. Public Comments

There were no public comments.

VI. Close of Meeting

T. Pownall made a motion, seconded by R. Morrow, to adjourn the meeting. By roll call vote, the motion carried unanimously.

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

Public known to be in attendance:

- Stacy Grant, Henry O. Baker
- Suzanne Fitzgerald, Savoy Associates