

FINAL
MINUTES OF THE OPEN SESSION OF THE MEETING OF THE
NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM BOARD
HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY)
November 30, 2022

Members participating: Herbert Ames; Robert Benkert (United); Alison Birzon (Cigna); Jess Bowker (Oscar Garden State); Gary Cupo; Margaret Koller; Taylor Kopelan (Horizon); Thomas Pownall (Aetna Health); Gale Simon (DOBI); 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 special meeting to order at 11:00 A.M. She announced that notice of the meeting was posted at the Department of Banking and Insurance (“DOBI”), on the DOBI website, and distributed to the Board’s interested parties list.

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. Draft Standard Plan and Policy Form Amendments

E. DeRosa identified each of the draft amendments to the standard plans, indicating that some of the draft amendments would be made in response to statutory changes, several are clarifications, and several are carrier-suggested benefit enhancements.² Board members shared some comments and suggestions.

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.)

² Note that amendments approved by the Board for proposal will be included in the standard plan policy forms, as well as the certificate forms, and to the extent necessary, will be addressed in amendments to Exhibit K, which sets forth the explanation of use of some variable text.

Amendments are proposed to:

- Reduce the volume of sample schedule pages.
- Remove the age 15 limit for hearing aids.
- Add optional coverage for doula services.
- Re-name the pregnancy benefit to refer to maternity.
- Revise the triggering event associated with a permanent move to state proof of minimum essential coverage is not required if moving from another country or U.S. Territory.
- Add provisions to address requirements of the Consolidated Appropriations Act.
- Add optional coverage for virtual primary care.
- Add optional coverage provided at Walk-in-Clinics.
- Specify coverage of abortion services and revise the permissible exclusion to address a religious employer exception.
- Add optional coverage of gene therapies.
- Clarify the Coordination of Benefits text to address circumstances for secondary payments.
- Decrease the initial age for cancer screening to 45.
- Increase the age for pediatric vision screening from 17 to 19.

There was discussion regarding Medicare coordination rules, and consumer confusion regarding when to enroll in Medicare, particularly when someone is still covered under a group health plan as an active employee or dependent of an active employee. It was acknowledged that no one is compelled to enroll in Medicare Part B, and that Medicare provides some flexibility to wait until after turning age 65. There was general agreement that it is in everyone's best interest for Medicare-eligible individuals to enroll in Part B as early as possible, so that an enrollee's effective date of coverage will begin no later than that person's 65th birthday. It was suggested that consumer-facing materials, such as the Small Employer Health Benefits Program Buyer's Guide, need to emphasize the importance of acting earlier on Medicare enrollment, even if later enrollment is permissible.

M. Koller made a motion, seconded by G. Simon, to propose the draft changes presented and discussed by the Board during the meeting, with such grammatical changes as are necessary to set forth the intentions of the Board across the forms, and, if necessary, to amend Exhibit K. By roll call vote, the motion carried unanimously.

III. Process and Additional Meeting

E. DeRosa explained the next steps assuming the Board uses its expedited rulemaking authority,³ explaining that the proposal would have to be reviewed by the Office of the Attorney General, Governor's Counsel, and the Smart Growth Commission prior to submission to the Office of Administrative Law (OAL), and that she would not be able to issue the public notices regarding the expedited rulemaking action or specify the date for the end of the comment period or the public

³ N.J.S.A. 17B:27A-51.

hearing until the submission to the OAL. She explained that she would send out the notices as soon as possible, set the comment period for 20 days, and have the public hearing scheduled within that time frame, so that the Board will have the option to vote to adopt the amendments upon the close of the comment period, which is permissible.

E. DeRosa stated that, if the Board wants to have the opportunity to adopt amendments by the close of the calendar year, the Board would need to schedule one more meeting, because its regularly scheduled December 21 meeting would not allow enough time for the public hearing and public comment period to conclude, although the Board could discuss comments received, if any, by that date. The Board agreed to schedule a meeting tentatively on December 29, 2022 at 11:00 a.m.

IV. Retirement Announcement

T. Taliaferro announced that he would be retiring from AmeriHealth Insurance Company and Independence Blue Cross as of November 30, 2022. He expressed his pleasure in having served on the Board(s) for many years, and in Chairing the SEH Board for a large portion of that time. He indicated his belief that the work had been meaningful, and the Board had accomplished much. He expressed gratitude to the members of the Board, and wished them all the best in their future endeavors, especially M. Koller, who would take over the gavel at least temporarily. Board members expressed deep admiration for T. Taliaferro for his intelligence, grace, and honor, noting that he would be sorely missed.

V. Close of Meeting

T. Taliaferro made a motion, seconded by M. Koller, to adjourn the meeting. By roll call vote, the motion carried unanimously.

[The meeting adjourned at 12:27 P.M.]

Public known to be in attendance:

- Stacy Grant – Henry O. Baker Agency
- Thomas Sino
- James King – New Jersey Catholic Conference
- John Tomicki – League of American Families
- Linda Schwimmer – New Jersey Health Care Quality Institute
- Sarah Best – Planned Parenthood
- Daniel Hahn -- Politico