

FINAL
MINUTES OF THE OPEN SESSION OF THE
NEW JERSEY INDIVIDUAL HEALTH COVERAGE PROGRAM BOARD
HELD TELEPHONICALLY PURSUANT TO EXECUTIVE ORDER 103 (MURPHY)
November 15, 2022

Directors participating: Sandi Kelly (Horizon); Robert Morrow (Oxford); Colleen Picklo; Thomas Pownall (Aetna); Gale Simon (DOBI); Tony Taliaferro (AmeriHealth).

Others participating: Ellen DeRosa, Executive Director; Chanell McDevitt, Deputy Executive Director; Rosaria Lenox, Managing Financial Officer; Eleanor Heck, Deputy Attorney General.

I. Call to Order

E. DeRosa called the meeting of the IHC Board to order at 10:00 A.M. She announced that notice of the meeting had been posted at the Department of Banking and Insurance (“DOBI”), on the DOBI website, at the Office of the Secretary of State and submitted to the State House Press Corps, and published in three newspapers of general circulation, in accordance with the Open Public Meetings Act.

E. DeRosa noted that, pursuant to P.L. 2020, c. 2, as a result of the public health emergency and state of emergency declared by Governor Murphy on March 9, 2020 through Executive Order 103, subsequently extended,¹ due to the COVID-19 pandemic, this meeting, was being held telephonically, and not 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 a quorum was present. She stated that voting would be by roll call.

Members of the public were asked to identify themselves; public attendees, if any, are identified at the end of these minutes.

II. Minutes – October 11, 2022

T. Pownall made a motion, seconded by C. Picklo, to approve the minutes of the Open Session of the meeting of October 11, 2022, without amendments. By roll call vote, the motion unanimously carried.

T. Pownall made a motion, seconded by C. Picklo, to approve the minutes of the Executive Session of the meeting of October 11, 2022, without amendments. By roll call vote, the motion unanimously carried.

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 (Murphy, January 11, 2022) resulted in another Public Health Emergency due to COVID-19, lifted by E.O. 292 on March 4, 2022.)

III. Report of Staff – Expense Report; Reinsurance Program: Public Forum for the 1332 Waiver

Expense Report

R. Lenox presented the expense report, which totaled \$19,860.15, related to Division of Law charges for Q1FY2023, and salaries and shared expenses for October 2022. She stated that the salaries and shared expenses can be paid by transferring \$18,530.15 from the IHC Program's DOBI account to the SEH Program's DOBI account, while the Division of Law expense would be paid through the Wells Fargo accounts, and recommended a transfer of \$1,330 from the Board's Money Market account to its Checking account.

S. Kelly made a motion, seconded by R. Morrow, to approve: payment of the expenses; transfer of \$18,530.15 from the IHC DOBI account to the SEH DOBI account for the payment of salaries and shared expenses; and, transfer of \$1,330 from the Board's Wells Fargo Money Market account to its Wells Fargo Checking account. By roll call vote, the motion unanimously carried.

Reinsurance Program: Required Public Forum regarding the 1332 Waiver

E. DeRosa distributed the slides presented at the required public forum regarding the 1332 Waiver, which was held remotely by Microsoft Teams on November 10.² She pointed out that the payment requests are up significantly year-over-year, and have climbed steadily since the program's inception, explaining that this is not entirely unexpected given the increases in enrollment during the same period. She noted that 5 carriers received reinsurance program payments for Plan Years 2019 and 2020 (payments made on or about November 1, 2020 and 2021 respectively), while 6 carriers received reinsurance program payments for Plan Year 2021, which were paid by November 1, 2022.

E. DeRosa explained that the current payment requests were currently running ahead of prior years in all quarters, so it is reasonable to expect the final payments request will be greater, but also noted that the federal pass-through for Plan Year 2022 is also greater, at \$322,987,495.

Board members requested that a meeting be held with carriers and the auditor prior to the start of the agreed upon procedures for Plan Year 2022 to discuss the process for the agreed upon procedures.

IV. Additional Meeting regarding Policy Forms

E. DeRosa indicated the Board should plan an additional meeting prior to the end of the month to discuss policy forms. Board members agreed to meet on November 29th at 10 A.M. E. DeRosa stated she would issue a public notice for the meeting with the agenda including discussions of amendments to the standard plans.

V. Executive Session – Personnel Issues

E. DeRosa requested that the Board move into Executive Session to discuss personnel issues. She indicated she did not expect any action to occur when the Board returned to Open Session.

² Information and reports regarding the 1332 Waiver, including public forum announcements, are at https://www.state.nj.us/dobi/division_insurance/section1332/index.html.

C. Picklo made a motion, seconded by T. Taliaferro, to move into Executive Session for the purpose of discussing personnel matters, and then return to Open Session for the sole purpose of closing the meeting. By roll call vote, the motion carried unanimously.

[The Board closed the Open Session at 10:18 A.M.]

[The Board returned to Open Session at 10:34 A.M.]

VI. Close of Meeting

G. Simon made a motion, seconded by C. Picklo, to adjourn the meeting. By roll call vote, the motion unanimously carried.

[The meeting ended at 10:35 A.M.]

Identified Public Attendees: Robert Axelrod, Oscar Garden State Health Ins. Corp.³ was in attendance during the first Open Session.

³ Oscar is a member of the Small Employer Health Benefits Program Board of Directors, as are several of the Directors on the IHC Board; however, there was not a quorum of the SEH Board present, and all discussions and actions at the meeting concerned the specific public business of the IHC Board.