

The New Mexico Health Insurance Exchange
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Special Board Meeting Minutes
Friday, April 17, 2020, 8:30AM-9:AM MDT
Digitally/Telephonically Only
Albuquerque, New Mexico

<p>Board Members Present:</p> <ul style="list-style-type: none">• Mr. Dan Foley - Via Phone• Dr. Mark Epstein - Via Phone• Ms. Terriane Everhart - Via Phone• Superintendent Russell Toal - Via Phone• Mr. Brandon Fryar - Via Phone• Ms. Mona Ghattas - Via Phone• Ms. Teresa Gomez - Via Phone• Ms. Janice Torrez - Via Phone• Dr. David Leachman - Via Phone• Ms. Patsy Romero - Via Phone• Mr. David Shaw - Via Phone• Ms. Nicole Comeaux on behalf of Secretary David Scrase - Via Phone	<p>Board Members Absent:</p>
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1. Welcome, Roll Call, and Confirmation of Quorum - Chairman David Shaw

The meeting was called to order at 8:33 a.m. Roll call was taken and a quorum was established.

2. Approval of Agenda - Chairman David Shaw

Motion: Move that the Board approve the agenda for the Special Board Meeting.

Motion: Director Romero

Second: Director Everhart

The motion passed unanimously.

3. Chairman's Remarks - Chairman David Shaw

Chairman Shaw thanked everyone who joined the Special Board Meeting.

4. Matters from the CEO - Mr. Jeffery Bustamante, CEO

Mr. Bustamante provided an update on the Request for Proposals for Professional Legal Services (RFP). The selected contractor will provide general legal services including advice and counsel to

the Exchange and its Board of Directors regarding federal and state laws, regulations, programs and policies applicable to the Exchange; contract negotiations, and litigation support as needed. The Exchange issued the RFP on February 21, 2020 and received one proposal, from Bardacke Allison, LLP. The procurement evaluation committee determined that the proposal was responsive and the bidder is highly qualified to perform the services procured.

Motion: Move that the Board authorize the CEO to enter into a one-year contract for professional legal services with Bardacke Allison, LLP, with a total not-to-exceed of \$125,000.00.

Motion: Director Epstein

Second: Director Ghattas

The motion passed unanimously (Directors Epstein, Everhart, Gomez, Torrez, Leachman, Romero, Shaw, Ghattas, Fryar and Superintendent Toal present at the time of the motion).

Mr. Bustamante provided an update regarding the procurement of printing services. A local New Mexico vendor will handle all batch printing and mailing services of notices generated by the hCentive and NFP systems to consumers enrolling in the Exchange's State-Based Marketplace (SBM). Horizons of New Mexico is a central non-profit agency under contract with the State of New Mexico pursuant to the State Use Act (NMSA 1978 § 13-1C-1 *et seq.*).

The procurement team recommends aligning the print vendor contract with the SBM DD&I timeline to work with the technology vendors in testing and implementation, with the contract term ending on 12/31/2022. This will cover the DD&I phase of the SBM build as well as one full year of printing and mailing services. The contract may be extended in accordance with the State Use Act.

Motion: Move that the Board authorize the CEO to enter into a contract with Horizons of New Mexico for a total not-to-exceed of \$430,000.00.

Motion: Superintendent Toal

Second: Director Romero

The motion passed unanimously (Directors Epstein, Everhart, Gomez, Torrez, Leachman, Romero, Shaw, Ghattas, Fryar, Comeaux and Superintendent Toal present at the time of the motion).

5. Agency Reports

a. Matters from the Office of the Superintendent of Insurance - Superintendent Russell Toal

Superintendent Toal indicated that OSI will issue another order soon on out-of-network matters and the application of the "surprise billing" statute. He strongly believes that there needs to be targeted, aggressive outreach to Native Americans during the COVID-19 pandemic to inform them about their eligibility to enroll in coverage at any time.

Mr. Bustamante agreed and indicated that the Exchange is doubling down on such efforts, including radio ads and interviews, which have been effective in the past.

b. Matters from New Mexico Human Service Department - Secretary David Scrase

Director Comeaux provided the update on behalf of Secretary Scrase. She indicated that HSD has distributed \$37 million in advanced payments to hospitals and is finalizing a couple of other options to provide some funding to non-hospital providers. There is a second round of funding that OSI is looking at for hospitals. HSD is issuing letters of direction regarding out-of-network coverage for MCOs as well as expedited claim payments. Pursuant to the Families First Coronavirus Response Act, states were given the option to pursue an alternative category of eligibility, with a 100% federal match to allow testing for the uninsured. OSI is pursuing this option and will provide guidance on how to make such claims shortly. The budget projection meeting will be held next week. As of April 13, there were approximately 10,000 new enrollees in the Medicaid program beyond what HSD had projected last year. This is in line with current unemployment numbers. CMS reached back out to HSD about reviewing the federal poverty limit increase request. HSD is working with the Exchange, OSI, the Insurance Pool and the Governor's office to determine the best approach and most appropriate use of state resources (e.g. whether to use Medicaid dollars to pay premiums for Exchange plans rather than provide coverage under Medicaid).

Director Shaw recognized Director Comeaux and HSD for their efforts to support hospitals and to keep the employees engaged during the COVID-19 pandemic. Director Romero also expressed her appreciation to HSD during this process.

6. Public Comment (1-2 minutes/participant)

There was no public comment.

7. Adjournment

Motion: Move that the Board adjourn the meeting.

Motion: Director Torrez

Second: Director Everhart

The motion passed unanimously.