

BeWellnm
New Mexico Health Insurance Exchange
Special Board Meeting Minutes
Friday, December 12, 2019, 8:30AM-12:30PM
Marriott Pyramid
5151 San Francisco Rd, NE
Albuquerque, New Mexico 87109

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

The Meeting was called to order at 8:35 am. Roll call was taken and a quorum was established.

2. Approval of Agenda- Chairman David Shaw

Motion: Director Leachman

Second: Ms. Comeaux

The motion passed unanimously.

3. Chairman's Remarks- Chairman David Shaw

Chairman Shaw thanked the Board for participating in today's meeting and indicated he feels it was very important to meet prior to the legislative session. He noted that last spring the Board took action to establish its own state-based exchange, and put together a new IT platform to better serve New Mexicans and give the Exchange more useful data to enable targeted outreach. The platform will also allow the Exchange to be more collaborative with insurers as well as HSD. To maximize that effort, the Exchange needs more flexibility and authority.

Chairman Shaw indicated that the Board will hear from Representative Debbie Armstrong, who will present regarding proposed legislation.

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

Mr. Bustamante introduced Representative Debbie Armstrong and Jane Wisher with the Governor's office and thanked them both for being present at today's meeting.

5. Discussion and Possible Action on Legislative Matters:

Representative Armstrong thanked members of the Board for coming together for a special Board meeting to discuss proposed legislation. The proposed legislation has been a collaborative effort with the administration. It would provide the Exchange with more authority and flexibility to go along with the state-based platform and would provide data related to the Exchange's enrollment. Representative Armstrong noted that early filing begins next week and she would like to file the legislation as soon as possible. She emphasized that early filing does not mean that the legislation is complete, and the Exchange can continue to work on the language. By filing early, the bill would be available to the public for input and would find a place in the queue, to be heard during the upcoming short session.

Representative Armstrong stated that she has had a discussion with Chairman Shaw about establishing a committee to assist with final language. She stated that she has long been a proponent of the Exchange and would like to see more enrollments, and more flexibility in determining what the Exchange is offering in New Mexico. Representative Armstrong feels that it is appropriate that the Exchange have the ability to determine what kind of plans are offered on the Exchange beyond the Qualified Health Plan (QHP). The proposed legislation would give the Exchange the ability to take a first stab before the decision goes to the Superintendent's office and would allow the Exchange to drive those plans in any direction, taking into account things such as cost sharing or benefit modifications to QHPs. The selected plans would then go to the Superintendent's office to ensure compliance with all insurance codes, rules, regulations and actuary rates. The Exchange would provide back-end support to hold those plans accountable to deal with complaints or issues.

Representative Armstrong stated that it will take time to revise the Exchange's Plan of Operation and decide how to approach the step of carriers coming to the Exchange first to align with the state platform. This would require the establishment of procedures for certification, recertification, and decertification of plans as QHPs. It would also require a determination of the minimum requirements a plan must meet to be offered on the Exchange. It would prioritize choice, value, and quality service to the customer.

The proposed legislation also provides authority for regular and special enrollment periods that may extend beyond regular Federal time frames to allow for better integration with Medicaid and other programs. It would allow for the establishment of standardized plans with an option to reduce deductibles and provide more services before those deductibles are met. The

proposed legislation would require that the Exchange update the Plan of Operation, including consumer engagement and outreach and marketing requirements under the Affordable Care Act. Representative Armstrong emphasized that it would be a collaborative effort with the Office of the Superintendent.

Chairman Shaw asked if Representative Armstrong wants to avoid putting off the legislation for another year because doing so would leave the Exchange with only a few months to make the necessary changes to the Plan of Operation before Open Enrollment in the fall of 2021. Mr. Bustamante confirmed Chairman Shaw's understanding and indicated that the Exchange would either have a condensed timeframe for implementing the legislation, or would have to delay the effective date.

Director Romero questioned whether the Exchange has the capacity within its staff to implement the proposed legislation, or whether it would need to involve an actuary to assist with the data that would be necessary for the proposal. Mr. Bustamante stated that at this point the Exchange does not have the capacity. He noted, however, that with an effective date of March 2020, the Exchange would have about 20 months to prepare.

Representative Armstrong indicated that the legislation does not mandate the process for selecting plans. Rather, it gives the Exchange the authority to do so. The legislation simply provides authority and time to sync with a state-based platform.

Ms. Comeaux asked whether it would be possible for the Exchange to contract for actuarial services as it can sometimes be difficult to hire those individuals at a rapid pace. Mr. Bustamante stated that hiring an actuary may be an option and noted that New Mexico would not be the first state to take this route. Director Hickey asked Mr. Bustamante to provide an idea of what this might look like by reviewing which states have taken on this authority, and what criteria they use. Director Hickey noted that it is very complex as it involves the Exchange, OSI, and CMS regulations.

Representative Armstrong stated that she is trying to put together research on what other states have learned. She indicated that the process would be a procurement-like process for picking the plans, or some kind of process similar to an RFP for selecting plans, with the criteria that is wanted. The Board would develop that criteria based off the Exchange and CMS rules. However, those details would not be included in the legislation.

Director Hickey expressed concern that the appropriate products may not be approved in a timely manner, in light of the fact that the Exchange is now subject to the Procurement Code. Representative Armstrong reiterated that it is not her intent that this be a procurement process that falls under the Procurement Code. However, it would be a procurement-like process to determine what plans would be selected based off of the Board's criteria.

Ms. Comeaux stated that one benefit of becoming a state-based exchange is the elimination of additional interplay with CMS.

Director Foley stated that he would recommend some language changes that would have the Exchange lead and be forward thinking.

Representative Armstrong thanked Director Foley for his comments and indicated she believes in the Exchange and has confidence in its ability to play a significant role in getting coverage to New Mexicans.

Director Romero expressed her support for the concept that Representative Armstrong has brought to the table and believes this is a great opportunity. Director Romero is extremely confident with the expertise of Ms. Comeaux and believes this is the first step to improve opportunity for New Mexicans to obtain healthcare.

Superintendent Franchini indicated that there are areas in the statute that OSI would work on with the Exchange: developing a contract; establishing procedures for certification, recertification, and decertification (determining the minimum requirements that a plan must meet to be offered on the Exchange and establishing standardized plans); and seeking to reduce deductibles. Superintendent Franchini indicated that if the parties can find a way to move forward with these items, it will likely be a successful collaboration.

Representative Armstrong indicated that she sees the legislation as an evolution and indicated she is here to provide the Board with legal parameters and the authority to utilize those tools and expertise, to be a close partner with all other entities that are providing health coverage, and to work with the Superintendent. She stated that the intent of the legislation is not to take control from the Superintendent, but to develop a collaborative relationship and augment what the Superintendent's office currently does.

Motion: Chairman Shaw asked whether any Board member wanted to move to approve the concept.

Motion: Director Hickey

Second: Director Everhart

Mr. Baillio asked if a process would be set up to have Board members work with Representative Armstrong over the next few weeks.

Chairman Shaw noted that he has the authority to set up an ad hoc committee. He asked individuals interested in serving on the committee to keep in mind that this will be fast moving matter, and to make sure individuals have the time to commit to the committee. Assignments will be made soon. Chairman Shaw asked Directors to be mindful of the Open Meetings Act and noted he would like for all communication from Board members to go directly to Mr. Bustamante.

Representative Armstrong stated she would like to have the ad hoc committee meet next week to add substantive changes so she can file the legislation to ensure it gets in the queue.

The motion passed unanimously.

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

Marlene Baca with New Mexico Health Connection asked that the focus remain on the goal for New Mexico of growing and maintaining membership. Ms. Baca echoed Director Hickey's earlier comments regarding carriers having a lot of experience with plan design and premiums, and wanting to ensure the Exchange balances all of that. Ms. Baca noted that if there is a decrease in a deductible it will increase the premium, and she is asking as a carrier that the Ad Hoc committee be public, with carriers who do not sit on the Board nonetheless allowed to participate. Ms. Baca emphasized the need to be mindful of the timeline as carriers have to submit 2021 rates and benefits in June. Thus, if an additional step is going to be required, the carriers would need to take that step quickly.

Trey LaFleur, Director of Government Contracts for Molina Healthcare, stated that one of the key focuses at Molina Healthcare is removing barriers to healthcare access. He acknowledged that this is the intent of the bill. Mr. LaFleur echoed Ms. Baca's request to have carriers participate in the ad hoc committee. He indicated that he heard one component come up multiple times today, and that is the question of how to enhance and tailor essential health benefits for New Mexicans. He noted that the Superintendent's office has already gathered all the carriers to review current EHB utilization and management to help revise EHBs for 2021.

Barbara Webber with Health Action New Mexico stated she would like to salute the Board for moving forward and thanked Representative Armstrong for assisting with the process and bringing this to legislation. Ms. Webber stated that this is a great victory for consumers because of the flexibility that it will bring.

7. Other Board Business- Directors & Mr. Jeffery Bustamante, Interim CEO

Chairman Shaw indicated it will be important to have a discussion about what other states have experienced and stated that a presentation on budget projections would be very helpful. He stated that he would like for Mr. Bustamante to represent the Exchange during the legislative session and noted there will also be opportunities for Board members to speak at meetings.

8. Next beWellnm Board meeting - January 24, 2020; location to be determined

Chairman Shaw indicated that the next regular Board meeting is scheduled for January 24, 2020.

9. Adjournment

Motion: Chairman Shaw

Second: Superintendent Franchini
The motion passed unanimously.