

The New Mexico Health Insurance Exchange
Board Meeting Minutes
Friday, November 15, 2019, 8:30AM-12:30PM
CNM Workforce Training Center
5600 Eagle Rock Ave
Albuquerque, New Mexico 87113

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

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

2. Approval of Agenda - Chairman David Shaw

Motion: Director Romero

Second: Director Franchini

The motion passed unanimously.

3. Approval of Minutes of the September, 20 2019 beWellnm Board Meeting - Chairman David Shaw

Motion: Director Romero

Second: Director Epstein

The motion passed unanimously.

4. Chairman's Remarks - Chairman David Shaw

Chairman Shaw stated that the Board met in Executive Session on October 7, 2019. The meeting was closed pursuant to the Open Meetings Act, §10-15-1 (H)(2) and (H)(7); the matters discussed at that meeting were limited to those listed on the agenda; and no final action was taken by the Board.

Chairman Shaw indicated that the Board will meet in December, as he and Mr. Bustamante feel it would be helpful for the Board to prepare for the upcoming legislative session and to discuss possible opportunities for the Exchange to work with the State and HSD.

5. Matters from the CEO- Mr. Jeffery Bustamante, Interim CEO

Mr. Bustamante indicated that there have been fraudulent beWellnm plans reported. OSI is aware and working on the issue. The Notice of Benefit and Payment Parameters is expected to be released in December, and will include the final rule on fees for leasing Healthcare.gov. The Exchange is also paying close attention to auto-reenrollment, as last year CMS indicated that auto-reenrollment may be removed. Approximately 8,600 individuals were auto-reenrolled into a plan last year. The January Board meeting will include a data presentation, a post-2020 Open Enrollment review, SHOP analytics, and discussions regarding 2022 Open Enrollment decisions.

Mr. Bustamante recognized the entire outreach team for their tremendous work during Open Enrollment. The outreach team is staying late and beginning work early in the mornings during Open Enrollment to ensure consumers are being assisted and getting enrolled. Mr. Bustamante noted that the Exchange has rehired Karen Galbreath as the Exchange IT and Privacy/Security Specialist. Ms. Galbreath will help the Exchange with all security issues and is also available to assist Board members with their email accounts.

Mr. Bustamante next discussed enrollment projections and the enrollment experience. Enrollment includes the application for enrollment, selecting a plan, and then effectuating. Effectuation means a consumer has selected a plan and paid the first premium. If an individual stops moving forward, he or she drops out of the enrollment process. The Open Enrollment wrap up will reflect the number of individuals who applied, the number of individuals who were eligible, and how many plans were selected and effectuated. CMS not providing enrollment projections this year; however, the Exchange will leverage Congressional Budget Office projections. Mr. Bustamante noted the lack of a fine associated with being uninsured is impacting consumer decisions on enrollment.

Mr. Bustamante indicated that a decision in the *Texas v. Azar* lawsuit prior to the end of Open Enrollment might affect overall enrollment figures. Mr. Bustamante discussed that certain public assistance programs are a consideration for immigration status. Households throughout New Mexico are diverse and some of the households might be impacted, so there may be reticence to come forward and talk to the Exchange because of the public charge implications.

Mr. Bustamante noted that while CHRISTUS will not be offering plans for 2020 on the individual Exchange, the Exchange will have a new entrant, True Health New Mexico. CHRISTUS has

approximately 1,000 to 1,400 members and the Exchange anticipates that those individuals will stay on the Exchange since CHRISTUS will not be offering an off-Exchange plan. The Exchange is working with their partners to educate and encourage individuals to take action to remain covered during the transition. Director Epstein added that individuals that don't take action will be crosswalked to a similar plan.

Mr. Bustamante noted that enrollment projections are based on multiple data sources. However, the Exchange has placed more weight on certain other data sources since the Exchange no longer has CMS projections, and CBO previously missed the mark a couple times. The Exchange has corresponded with Carriers on their projections and has performed a quantitative analysis on those projections.

Director Romero expressed concern about individuals on the CHRISTUS plan. Superintendent Franchini indicated that these individuals will have other products that they can purchase and noted that some of the other products are more robust than what the individuals currently have. Director Fryar noted that individuals on CHRISTUS plans who do nothing will be crosswalked to another carrier with a similar plan.

Mr. Bustamante next discussed 2020 plan year selection and effectuation projections. There were 45,001 plan selections for plan year 2019, and an average renewal rate of 71.5% over the last 3 years. The Exchange is expecting about 32,000 to 35,000 renewals and approximately 12,000 to 14,000 new plan selections for plan year 2020. Mr. Bustamante noted that some of those individuals with new plan selections may have previously had coverage with the Exchange, but dropped that coverage prior to December. Thus, they count as new plan selections. The 2020 plan selection projection is 44,500 to 49,500, with an anticipated 15% drop off between plan selection and effectuation. Thus, the Exchange projects 38,000 to 42,000 individuals who will effectuate in 2020.

6. Committee Reports

a. Matters from the Native American Committee- Director Teresa Gomez

Ms. Yazzie provided new marketing materials that the Exchange has developed, including a FAQ sheet and a six-panel brochure that will be distributed to Tribal leadership across the state. The brochure includes a side-by-side piece that compares Indian Health Service covered benefits against Marketplace covered benefits. Ms. Yazzie indicated that the next Native American Advisory Committee meeting will be held on December 3, 2019 at the beWellnm office.

Ms. Yazzie noted that the 2020 Media Road Show has concluded. The radio interviews, print ads, and TV interviews were successful. Recent outreach and enrollment events included: 2019 NB3 Healthy Kids/Healthy Futures National Conference (Albuquerque); Tesuque Health and Safety Fair (Santa Fe); EPICS Conference (Albuquerque); Enrollment Day in Gallup

(Gallup); Catch the Wellness Wave (Bernalillo); Metropolitan Court's Community Outreach Day (Albuquerque); Enrollment Day in Farmington; Enrollment Day in Mescalero/Ruidoso; Native American Community Academy Annual Feast Day (Albuquerque); Stepping into a Better You! Health and Wellness Day (Mescalero); 2019 Navajo Technical University Red Ribbon Resource Fair (Crownpoint); Alamo Wellness Fair (Alamo); To'hajiilee Community School Bus Transportation Day (To'hajiilee); Trick or Treat Fall Event (Crownpoint). BeWellnm continues its Native American partnership locations and will participate in upcoming Enrollment Days in Mescalero, Farmington, Gallup, and the Jicarilla Apache Nation (as needed).

Ms. Yazzie indicated that the Exchange has bridged a Native American Marketing Campaign with the overall beWellnm 2020 Open Enrollment marketing campaign in order to leverage the overall Open Enrollment energy and focus on in order to supplement the Exchange's Native American campaign.

Ms. Yazzie indicated the beWellnm Contact Center has had 145 total visits from November 1 through November 9, with 85 completed appointments; 153 QHP enrollments (including 2 Native American); and 4 completed Medicaid applications.

b. Matters from the Operations Committee- Director David Leachman

Mr. Swinson indicated the build of the individual Exchange project is going well. The first kick-off meeting was held on October 10, 2019 was well received. There are no major issues or concerns at this time. Mr. Bustamante indicated that during the individual Exchange build, the Stakeholder Advisory Committee will meet regularly. Communications will be provided to stakeholders via Board meetings, newsletters, and emails from the project team. Mr. Swinson noted everything is moving forward and there are no major issues or delays at this time. The team is currently in the middle of "Map & Gap" sessions which identify potential work flow and operational issues. Mr. Swinson noted that the team has completed 11 sessions that cover all functional areas of the system. There are 22 months till "go live." The soft launch is scheduled for 09/1/2021, and the "go live" for 10/1/2021, which will allow sufficient time for robust testing. Director Baillio recommended looking at an extension of the Open Enrollment period.

c. Matters from the Outreach and Education Committee- Director Martin Hickey

Ms. Manring shared some of the new advertising for Open Enrollment and noted that all TV and radio interviews and social media ads have gone live. Ms. Manring expanded on Director Baillio's earlier comments regarding public charge and noted there has been public training available through REGTAP and the Robert Wood Foundation. Exchange staff members attended the training in September.

Ms. Manring noted that Healthcare.gov had some challenges on launch day. Consumers were placed in a waiting room and were unable to complete their applications. There were

some additional data matching issues with consumers who have already validated their immigration status or Social Security information. Specifically, the system was requiring some consumers to validate that information again.

Ms. Manring indicated that as of October 28th the Contact Center has been separate from the Outreach & Education team to better align the Exchange with the CMS blueprint. Ms. Manring indicated that the Contact Center activity for the first 2 weeks of Open Enrollment increased from the same time period last year. The Exchange facilitates transfers via the IVR to Medicaid and the Marketplace. Mr. Bustamante added that the chats are live chats and noted that the abandoned calls are below the industry standard. Ms. Manring indicated that approximately 90 individuals have booked an appointment online via the beWellnm website.

Mr. Bustamante discussed the Consumers' Checkbook tool which is a plan comparison tool that goes above and beyond what Healthcare.gov offers. The tool keys into national data and utilization resources to help determine individuals' specific anticipated health care costs. Mr. Bustamante stated that the Office of Superintendent of Insurance fostered a new partnership to establish this tool in early 2018. In September 2018 the Board passed a budget that included funding for this tool. In contract negotiations it was determined that the amount allocated was insufficient to cover the expenses. Mr. Bustamante noted that in order to gain coverage from Open Enrollment through August of 2020, the project requires an additional \$25,000.00, for a total of \$90,000.00. Mr. Bustamante noted this would not require an increase to the 2019 budget.

Motion: Move that the Board authorize staff to proceed with the procurement and contracting for a plan comparison tool for individual health insurance plans for the plan year 2020, in an amount not to exceed \$90,000.00. Staff may procure the services by the most reasonable means, determined after consultation with the State Purchasing Division.

Motion: Director Hickey

Second: Director Ghattas

The motion passed unanimously.

d. Matters from the Finance Committee- Director Brandon Fryar, Treasurer

Mrs. Schwing provided an update on the Exchange's implementation of Senate Bill 294. One of the requirements is to comply with the sunshine transparency portal act, and the Exchange will be moving forward with an interim solution to add a sunshine portal to the beWellnm website, until we can get on the Department of IT's calendar to support this initiative. The application for a surety bond for Board members and staff has been submitted and the Exchange is waiting for a response from the surety bond insurer. The Exchange submitted the 2020 budget to DFA and LFC shortly after the Board approved the budget. Mrs. Schwing indicated the Exchange is still on track to propose performance-based budgeting for 2021. Mrs. Schwing discussed the State Procurement Code and noted the

Exchange has implemented certain processes and has met with the State purchasing department. Ms. Schwing noted the 2019 contract extensions have been submitted to Contract Review Bureau (CRB). All proposed procurements are being submitted to the same department for a determination as to whether procurement is a professional or general service.

e. Matters from the Stakeholder Advisory Committee- Chairman Mike Wallace

Mr. Bustamante provided an update on behalf of Chairman Mike Wallace and indicated the Stakeholder Committee met on November 12th and discussed Open Enrollment. The upcoming committee meeting is scheduled for January 14, 2020.

f. Matters from the CEO Search Committee- Director Martin Hickey

Chairman Shaw thanked the CEO Search Committee members for their hard work during the summer. The committee worked with REDW through the process. Chairman Shaw indicated that there were 23 candidates, which the committee narrowed down to 3. On October 7th the 3 candidates were interviewed by the Board. Chairman Shaw indicated that he was asked to speak with Jeffery Bustamante about the position and they were both in agreement. A contract has been provided to all Directors. The contract was reviewed by Justin Miller, REDW and the Executive Committee. Chairman Shaw indicated that it was important to include metrics that measure up to the Exchange's Vision, Mission, and Goals that were set this summer. The Executive Committee is making adjustments to the structure and will finalize the goals for Mr. Bustamante at the December Executive Committee meeting. The goals will be presented at the January Board Meeting.

Motion: Move that the Board appoint Jeffery Bustamante as Chief Executive Officer and authorize the Chair to sign an employment agreement with Mr. Bustamante.

Motion: Director Fryar

Second: Superintendent Franchini

The motion passed unanimously.

Chairman Shaw congratulated Mr. Bustamante and indicated that he did a great job as interim CEO.

g. Matters from the Legislative Committee- Director Dan Foley

Mr. Bustamante provided an update on behalf of Director Foley and indicated they discussed strategy for the upcoming Legislative session.

Director Romero indicated that the committee would like to identify Legislative priorities for the Exchange. The committee also asked Mr. Bustamante to be present during the Legislative process and at committees where health care issues will be discussed.

Director Baillio questioned whether the Exchange has considered a proactive agenda on behalf of those obtaining insurance through the Exchange rather than simply being present at the upcoming sessions.

Director Romero noted that the Board will meet and agree on Legislative priorities for the Exchange so the Board will be prepared when those discussions come up. These issues will be discussed at the upcoming Board meeting.

7. Agency Reports

a. Matters from the Office of the Superintendent of Insurance- Superintendent John Franchini

Superintendent Franchini stated that he will be the Superintendent through December 31, 2019 and thanked everyone for their cooperation and help.

Director Baillio thanked Superintendent Franchini for the great work he has done as the regulator of insurance and noted as a consumer advocate that Superintendent Franchini not only worked as a regulator but also worked on behalf of consumers. The Directors thanked Superintendent Franchini for his service.

b. Matters from the New Mexico Medical Insurance Pool- Superintendent John Franchini

Ms. Kristina Leeper provided an update on the New Mexico Medical Insurance Pool,. NMMIP is working with its administrator to track where enrollees are coming from. NMMIP is assisting with Open Enrollment. It is focused on aggressive care management and claim trends. NMMIP has identified home health care as an area of interest, as well as barriers to transplant, including transportation issues.

Ms. Leeper provided a summary of the NMMIP Board retreat, which included presentations by Mr. Bustamante. Mr. Abuko Estrada provided a presentation on the research that has been done on Medicaid buy-in and the Pool had a presentation regarding all payer claims database. Ms. Leeper indicated it was wonderful to have all different representatives from all types of departments trying to tackle the same issue for health care in New Mexico. The next Board meeting is scheduled for December 13, 2019.

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

Mr. Abuko Estrada provided a presentation on the uninsured population in New Mexico that was done in conjunction with the Urban Institute. The Urban Institute has a very sophisticated health care model that it utilizes to examine data surrounding the uninsured in New Mexico and other states, including where the uninsured are located, and other granular characteristics.

Mr. Estrada indicated the survey data that the model is based off uses PUMAs. These particular break downs of data require that populations be at a minimum of 100,000, and the data will assist with targeted outreach efforts in coordination with the Exchange. Mr. Estrada stated New Mexico has 187,000 uninsured who are under the age of 65. The uninsured rate is at 10.5%, which is 8.7% of all New Mexicans, including individuals who are over the age of 65. Mr. Estrada indicated that this figure is lower than the national average at 11.2%. Mr. Estrada indicated New Mexico is under the national average due to Medicaid expansion.

Mr. Estrada stated reaching out to individuals under the federal poverty level will be key over the next year, as they comprise the largest percentage of uninsured. Director Epstein indicated he hopes the analysis would not just include the premium affordability but the cost sharing factors as well. Mr. Estrada stated the administration is looking at affordability from all angles. Mr. Estrada indicated there will be a written report prepared by the Urban Institute, which should be available by the end of this month.

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

Ms. Barbara Webber of Health Action New Mexico indicated that New Mexico is a state with changing demographics, and in ten years it will be the third highest population in the country, which has impacts for the health insurance market. Ms. Webber noted that the population between 50 and 64 is going to increase every year and increase with the needs that they have. A concrete plan to reach out to the 19 to 34 population is needed. Tax time is still the best time to reach people and educate them about enrollment opportunities.

9. Other Board Business- Directors and Mr. Jeffery Bustamante, Interim CEO

Director Everhart congratulated Mr. Bustamante on a job well done and stated she is looking forward to working with him in this new position.

Director Romero recognized Jane Wisher from the Governor's office, who was in attendance at the Board meeting.

Mr. Bustamante thanked the Board members for their trust over the past couple of months. He stated that it's a privilege and an honor and noted he is excited looking forward.

10. 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.

11. Executive Session for discussion regarding threatened or pending litigation, pursuant to NMSA 1978 §10-15-1(H)(7).

Motion: Move to enter Executive Session for discussion of threatened or pending litigation pursuant to the Open Meetings Act §10-15-1(H)(7).

Motion: Director Fryar

Second: Superintendent Franchini

The motion passed unanimously.

Chairman Shaw stated that the Board met in Executive Session. The matter discussed was limited to that stated in the motion for closure and no final action was taken by the Board.

12. Adjournment

Motion: Director Fryar

Second: Director Epstein

The motion passed unanimously.