



Policy Committee Meeting Minutes
Connect for Health Colorado Meeting Room
East Tower, Suite 1025
3773 Cherry Creek N Dr., Denver, CO 80209
June 16, 2015
10:00 AM – 11:30 AM

Board Members Joining via Phone: Sue Birch, Steve ErkenBrack, Davis Fansler, David Padrino and Nathan Wilkes

Staff Present: Luke Clarke, Kyla Hoskins, Kevin Patterson, Alan Schmitz and Lisa Sevier.

I. Business Agenda

- Committee Chair Steve ErkenBrack, called the meeting to order at 10:00 am and welcomed those in attendance.
- The agenda was reviewed and no changes were made.

II. 1332 Innovation Waivers

Interim CEO, Kevin Patterson, stated that the purpose of the Policy Committee Meeting is to discuss a provision of the affordable Care Act (ACA) which gives states the option to modify or opt out of many of the ACA's key coverage provisions, while still receiving full ACA funding. The Section 1332 State Innovation Waiver will only be allowed if the state requesting the waiver offers a way to meet or exceed the law's requirements.

States will be able to determine whether they want to use the innovation waivers to pursue their own broad goals for health reform or to make targeted modifications to the existing rules.

Mr. Patterson stated that Connect for Health Colorado's discussion on the waivers should begin with an understanding of what may be solved through a waiver primarily around customer service and eligibility guidelines, making it easier for the customers.

Currently the Colorado Health Insurance Exchange Oversight Committee is instituting a work group to start looking at federal waivers as well as other legislative changes that may be suggested in respect to the Marketplace.

Kyla Hoskins, Manager of Policy and External Affairs, updated the Committee with background information on the waivers. States may waive:

- The individual mandate
- The employer mandate
- Benefits and subsidies
- Exchanges and Qualified Health Plans

The purpose is to allow states the opportunity to change certain mandates, as they are written in the ACA, which may not work as well for their specific state. Additionally, it was noted that the 1332 Waivers cannot be implemented any sooner than January 1, 2017.

Any 1332 Waiver application must satisfy four criteria:

- Scope of coverage
- Comprehensive coverage
- Affordability
- Must not increase the federal deficit

These criteria are statutory and can be found in the ACA, section 1332 (b) (1).

Possible uses for the 1332 Waivers:

- As an opportunity to alter the ACA coverage paradigm by changing the subsidy structure, waiving individual or employer mandates or replacing the exchange.
- As an opportunity to address specific ACA issues including aligning income rules for Medicaid and APTC, addressing the “family glitch” or delaying the extension of rate regulation to the 51 - 100 small employer market.
- As an opportunity to address each state’s unique healthcare landscape and market.
- States with limited individual public markets may redefine who is eligible for the exchange to increase economics of scale.

Mr. ErkenBrack noted that this is a collaborative opportunity to work with the Colorado Health Insurance Exchange Oversight Committee. However, he cautioned being careful when framing the discussion around the waivers, so as not to get into an unintended position.

Mr. Patterson stated that the 1332 Waivers offer an opportunity to look for alignment issues that could make the customer experience better, make the Connect for Health Colorado more efficient and allow different thoughts on the delivery of insurance.

Davis Fansler suggested putting a work group together to determine what enhancements to the Marketplace can be delivered and if the enhancements would need a waiver.

The Committee decided to bring the 1332 Waivers to the Board in order to have a discussion around the Connect for Health Colorado’s next step.

III. Public Comment

Mr. ErkenBrack opened the meeting for public comment.

There was no public comment.

Meeting adjourned at 10:45 am.

Respectfully submitted,

Steve ErkenBrack
Policy Committee Chair