

Policy Committee Minutes
June 24, 2019
3:00 PM – 5:00 PM

Board Members Present: Claire Brockbank, Steve ErkenBrack, Adela Flores-Brennan, Jay Norris and Sharon O’Hara

Staff Present: Dustin Arnette, Saphia Elfituri, Kelly Guthner, Molly McClurg, Ian McMahon, Kevin Patterson, Ilana Rivera, Lisa Sevier and Ezra Watland

I. Welcome and Introduction

Sharon O’Hara chaired the Policy Committee Meeting and called the meeting to order at 3:00 p.m., welcoming everyone in attendance, both in-person and on the phone. The April Committee Meeting minutes were voted on and approved.

II. Updates

Colorado Department of Health Care Policy and Financing (HCPF)

There are no updates from HCPF.

Division of Insurance (DOI)

DOI provided an update on legislative implementation. There are rules out for external review including the mental health parity rule and essential benefits rule 1296.

III. Legislative & Regulatory Updates

Legislative Update

Members of the Colorado Health Insurance Exchange Oversight Committee have been finalized and can be found [here](#).

Regulatory Update

Staff presented a regulatory update outlining changes to plan year (PY) 2020.

- Notice of benefit and payment parameters for 2020 final rule:
 - No changes made to auto-enrollment or silver loading for PY 2020.
 - New special enrollment period (SEP) available for individuals enrolled off-exchange who experience a decrease in income and are determined newly eligible for advance premium tax credit (APTC).
- Health reimbursement arrangements (HRA) final rule:
 - Effective PY 2020/ term year (TY) 2020 (January 1, 2020), allows employers to provide an HRA integrated with individual health insurance coverage (ICHRA). ICHRA can be used to pay premiums for individual market coverage.
 - Restrictions around employee dumping (risk selection)
 - Rule allows employers to offer new excepted benefits HRAs. Creates new SEP in the individual market for individuals who gain access to an HRA integrated with individual health insurance coverage or who are provided a qualified small

employer health reimbursement arrangement (QSEHRA).

Other items regarding the federal regulatory update include:

- Request for comment on the consumer inflation measures produced by federal statistical agencies. The comment period closed June 21, 2019
- Proposed rule on nondiscrimination in health and health education programs or activities proposes repealing requirements that covered entities mail customers notices concerning nondiscrimination and the availability of language assistance services in 15 languages. Comments are due by August 13, 2019.

The comments on the consumer inflation measures are posted on the website along with the committee meeting materials.

Action Item

Staff to meet with carriers and DOI to clarify specific parameters around the special enrollment period.

IV. Policy Agenda Next Steps

The committee reviewed and discussed the draft Policy Agenda. The Policy Agenda goals have been divided into three areas of focus: increasing access, affordability and choice. Included in each area of focus are potential policy solutions.

Action Item

Policy team to review the 208 Commission Report for direct relevance for potential policy solutions.

The updated draft Policy Agenda will be presented to the Board at the July Board meeting for further discussion.

V. Public Comment

Given by:

Brad Niederman, Colorado State Association of Health Underwriters (CSAHU)

Meeting adjourned at 5:00 p.m.

Respectfully submitted,

Sharon O'Hara
Policy Committee Chair