

## **COLORADO HEALTH BENEFIT EXCHANGE BOARD**

**July 25<sup>th</sup>, 2011**

**10:30 a.m. – 1:30 p.m.**

**COPIC**

**COPIC, 7351 E. Lowry Blvd,  
Denver, CO, 80230**

### **MINUTES**

#### **Agenda Item I: Call to Order, Roll Call, Minutes, and Welcome**

Board consultants, Bill Heck and Ted Willey, called the meeting to order at 10:30 AM.

Board Members Present: Eric Grossman, Gretchen Hammer, Richard Betts, Susan Birch, Steve ErkenBrack, Arnold Salazar, Nathan Wilkes, Mike Fallon, Jim Riesberg, and Ken Lund.

Exchange planning director Joan Henneberry and planning operations manager Shawn Raintree were present.

Over 100 guests attended the board meeting which was available by phone.

**Vote:** Ted Willey asked for a confirmation of acceptance of last meeting's minutes. Gretchen Hammer noted that two agenda items were not indicated in the minutes: 1) the board would function as a committee of the whole; and 2) the metrics for determining the Board has been successful would include a) a robust public engagement in line with the values of Coloradans; and b) a plan that shows meaningful progress toward federal metrics. With these items included, the Board voted to accept the minutes with abstentions; Steve ErkenBrack and Arnold Salazar abstained as they did not attend the July 11th, 2011 meeting.

#### **Agenda Item II: Board Formation and Structure**

Bill Heck asked Board members to identify work groups for which they would be interested in serving as liaison. He later clarified that all members are still encouraged to attend as many of the different work group meetings as possible. Several board members deferred their choices until the end of the meeting.

Small Employer Work Group (SEWG) – Nathan Wilkes, Richard Betts, Mike Fallon  
Eligibility, Verification and Enrollment (EVE) - Nathan Wilkes and Eric Grossman  
Marketing, Education, Outreach Workgroup (MEOW) - Richard Betts, Mike Fallon  
Data Analysis Work Group (DAWG) – Steve ErkenBrack, Eric Grossman, Gretchen Hammer (who has been a member since inception of the group).

Steve ErkenBrack, Richard Betts, and Ken Lund agreed to meet to prepare recommendations to be discussed by the entire Board regarding bylaws and the engagement of legal counsel. Joan Henneberry reminded the Board that legal counsel for the Board and the Exchange will be two separate entities.

**Public Comment:** Adela Flores-Brennan from the Colorado Center on Law and Policy offered public comment expressing that a majority vote should be required. Proposed quorums were 3, 5, or 6 voting members. There was consensus that 6 members will constitute a quorum; members can attend and vote by phone. The board can continue to conduct business even if there is not a quorum.

The Board will need to determine a process and criteria for selecting the Exchange executive director, and determine at what point in the process candidates' names would be made public.

Agendas, minutes, and other materials will be made available online by the Exchange planning staff online within 7 days of the Board meeting. Joan Henneberry encouraged the public to rely on electronic copies of materials or to print them on their own.

Gretchen Hammer requested that information on legal parameters is made available for all Board members. Bill Heck agreed to provide an appendix and perhaps an educational module on Board policies and procedures included in the Board By-laws.

Three people have put forward their names for consideration to Chair the Board: Gretchen Hammer, Nathan Wilkes, and Robert Ruiz-Moss. It was agreed that no decision would be made before the August 11<sup>th</sup>, 2011 meeting to give other members an opportunity to submit their names for consideration.

Gretchen Hammer disclosed that she was invited to sit on a national Exchange advisory council and asked the Board to determine a process for such disclosures. Bill Heck said usually there are no disclosure requirements unless there is a conflict of interest and that participation of Board members on other boards or councils is left to the discretion of the Board member in question. Joan Henneberry suggested a declaration of potential conflict of interest should be built into the standing agenda at the start of each meeting when the Board could determine if a member should abstain from certain votes. This will be considered by the group to recommend appropriate bylaws.

Gretchen Hammer requested that as the board takes up strategic policy decisions, that we categorize items for consideration according to core areas to make it easier to discuss and vote.

Future board meetings will take place from 9:30 a.m. to 1:30 p.m.

**Vote:** N/A

### **Agenda Item III: Operations of the Exchange**

Jeff Bontrager from the Colorado Health Institute and Chair of the Data Analysis Work Group (DAWG) provided an update on the group's progress. He reported that one of the main purposes of DAWG is to inform the Board of the predicted clients of the Exchange and their predicted characteristics and purchasing behavior. DAWG will also serve the Exchange's long-term data collection needs to evaluate its success. Dr. Jonathan Gruber and Wakely Consulting Group were selected by DAWG to conduct background research

utilizing the Colorado Household Survey to compute policy effects on private and public sector insurance coverage.

Senator Betty Boyd provided an overview on the legislative oversight committee. The committee includes five representatives and five senators from the committees of health, audit, and business. The oversight committee is authorized to meet up to five times a year and will serve as a conduit for the Board to the general assembly. Additionally, the oversight committee will review grants and approve the appointment of the executive director. The oversight committee will meet for the first time on August 1<sup>st</sup>, 2011 at 10 a.m. in Room 0112 in the Capitol. The meeting is open to the public and all Board members are encouraged to attend.

Joan Henneberry mentioned that as she continues to read through the notice of proposed rulemaking (NPRM) she has noted about a dozen clauses that the Board may want to discuss. She suggests the Board deliberate on these and submit a comment by October 1<sup>st</sup>, 2011 to CCIIO.

Joan Henneberry provided an update on Exchange activities to date which include town hall meetings, twitter and blog updates, and a meeting in Pueblo on July 26<sup>th</sup>, 2011. The next town hall will be held in Aurora on August 17<sup>th</sup>, 2011 with Governor Hickenlooper in attendance. Workgroups are active and preparing materials for the board; there are about 175 people who frequent the four workgroup meetings.

Joan reminded the board that staff are working toward submitting the 2012 Level One grant on 9/30/11 and that the board needed to review and approve the grant. A second small committee of Board members volunteered - Gretchen Hammer, Eric Grossman and Mike Fallon – to review drafts and report to the full Board.

**Vote:** N/A

### **Agenda Item V: Preparation for Next Meeting**

The next meeting agenda will include the following topics:

- Board Chair selection
- Legal counsel selection
- Conflict of interest disclosure (part of by-laws discussion)
- Work group presentations
- Level 1 Grant progress
- Developing a comment on the notice of proposed rule making

Jon Kingsdale and Patrick Holland have been invited to share their experience building the Massachusetts Health Connector. Board members are asked to review the draft agenda ahead of time and make suggested changes.

The next meeting will be held on August 11<sup>th</sup>, 2011 from 9:30 a.m. to 1:30 p.m. in the **Legislative Services Building, 200 E. 14<sup>th</sup> Avenue, across from the Capitol**. Board and work group materials can be found at <http://www.coloradohealthinstitute.org/cohiex/board>.