

**COHBE Board Meeting
September 16th, 2011
COPIC, Mile High Room
9:30 a.m. – 1:30 p.m.**

Board members present: Jim Riesberg, Susan Birch, Robert Ruiz-Moss, Richard Betts, Gretchen Hammer, Arnold Salazar, Nathan Wilkes, Mike Fallon, Steve ErkenBrack, By Phone: Beth Soberg

Staff present: Joan Henneberry, Shawn Raintree, Jessica Dunbar, and Myung Kim

Over 75 people attended the meeting and listened over the phone.

Agenda Item I: Business Agenda

Vote: The board approved minutes from the August 22nd meeting.

Agenda Item II: Board Development and Operations

1. Board Chair Update

The board had a successful study session on September 9th discussing the business concept and eligibility, enrollment and verification options. There is a lot going on in September - the Executive Director Search subcommittee is working within a short timeframe to have a final candidate selected by the end of the year. The Rules and Regulations subcommittee is working on a draft letter to HHS that summarizes comments from the Board and it will be submitted by September 28th. Most of the level one grant application has been reviewed by the Grant Review subcommittee and the final draft will be circulated to the Board by COB on September 20th. The Bylaws and Governance subcommittee is in the process of crafting the bylaws within the 60 day timeframe.

2. Subcommittee Reports

a. Board Governance and Bylaws subcommittee

Nathan Wilkes reported a parliamentarian was hired to help draft the bylaws and the next focus for the subcommittee call will be around ethics and conflicts of interest. Members of the Board will be asked at the September 26th meeting to discuss key areas of the draft bylaws and vote to adopt them. The Exchange board is working with the AG's office and Cynthia Coffman, the Chief Deputy Attorney General, is serving as the point of contact.

Cynthia Coffman gave a report to the Board. She shared her background, described how the AG's office can provide a broad range of legal counsel to the Board and gave an update about the Affordable Care Act lawsuit. She did not believe the AG's office was in a position of legal conflict by providing counsel to the Exchange while having other lawyers in the office working on the ACA lawsuit.

Vote: The board approved a motion to move forward with the draft letter of engagement with the AG's office.

Bernie Buescher, the Deputy Attorney General for the State Services Section, gave a brief overview of some applicable bylaws and other legal documents filed for entities such as CoverColorado that are described in a similar way in statute as the Exchange.

b. Executive Search Subcommittee

Richard Betts gave a report to the Board about the subcommittee's activities related to finalizing the Executive Director's job description, the search timeline and process of selecting candidates. The subcommittee and staff plan to work through a broad distribution network to get the job description circulated to interested parties. Joan Henneberry will handle all inquiries about the Executive Director job opening.

The Board discussed whether or not it was essential for the job description to include a qualification about having management experience with complex IT systems.

Vote: The Board approved a motion to move forward with the job description as written.

Public comment

Elisabeth Arenales from CCLP shared concerns she had about how the Executive Director's position would be financed with pending approval of the Level One Grant.

Ashley Wheeland from CCHI circulated a letter with the Board that outlined some essential qualifications they think a qualified candidate should have, including a commitment to the mission of the Exchange and experience working with diverse populations and managing public input.

Agenda Item III: Exchange Development, Governance and Operations

1. Planning Director's report

Myung Oak Kim was hired as the new Communications and Outreach Manager. Joan Henneberry is in early negotiations with an IT consultant to pick up where Jim Jones left off. The Board was granted a no cost extension to the planning grant. A new Twitter feed will be used going forward using the hashtag COHBE. The Small Employer Workgroup plans to meet next Wednesday and health plans will share their perspective and recommendations. Exchange staff, Gretchen Hammer, and staff from the Division of Insurance and the Department of Health Care Policy and Financing will be traveling to DC for a national Exchange planning meeting September 19-21. Joan had a successful town hall meeting in Durango and had a high level of attendance from people in the community.

2. Subcommittee Reports

a. Rules and Regulations subcommittee:

Steve ErkenBrack reported the subcommittee is in the process of drafting a letter in response to the first wave of regulations from HHS. The subcommittee has identified six areas where Colorado could benefit from maximum flexibility: the role of the navigator, importance of network adequacy, how to handle business groups of one, the ongoing financial support for the Exchange, certification for Qualified Health Plans, and the reinsurance, risk adjustment and risk corridors program. The final draft will be shared with the Board for approval at the next Board meeting and then submitted to HHS by September 28th.

Joan Henneberry recommended the Board make some recommendations and go on record in the comment letter about how they would like to handle the plan amendment process. Joan will draft some language on the issue Rob Ruiz-Moss raised regarding the grace period for non-payment of premiums.

Public comment

Elisabeth Arenales from CCLP commented that the conflict of interest policy will be very important to develop and Board members should disclose if they have a conflict of interest and abstain from voting. CCLP would like to see a balance from HHS related to state flexibility and baseline consumer protections, uniform national standards around risk adjustment and who can serve as a navigator.

Debra Judy from CCHI gave a report from the consumer advocacy community that has concerns about balancing flexibility with national uniform standards.

The board agreed to have the Governance and By-Laws committee evaluate the opportunity to create an interim Conflict of Interest Policy for the Board to use during the September 26 board meeting prior to the adoption of the final Conflict of Interest Policy.

b. Level One Grant update

Gretchen Hammer reported the subcommittee has reviewed most of the core areas of grant and the staff plan to send the final draft to the Board by COB on September 20th. The Board will be asked to review and comment on areas of concern or bring up questions by noon on September 23. At the same time, the Board will coordinate with the legislative implementation review committee chair and vice-chair for their review and approval on the level one grant. The final submission is due September 30th. The grant will be submitted on behalf of the Board and the Colorado Health Institute (CHI) will serve as the fiscal agent until COHBE is officially incorporated.

The Board discussed the salary ranges in the level one grant budget and the public concern about proposed salaries for the Exchange.

c. Background research and modeling—Dr. Jon Gruber:

Dr. Jon Gruber, a professor at the Massachusetts Institute of Technology (MIT) and member of the Connector Board in Massachusetts, gave a [presentation](#) about the projected impacts of health reform on the uninsured population and the small business market in Colorado. Sources for the data in the presentation came from the 2008 Colorado Household Survey, the U.S. Census Bureau, and the Gruber micro-simulation model that simulates the impacts of policy changes. Data in the presentation include the non-elderly population under 65 years old.