

## **Colorado Health Benefit Exchange** ***Board Meeting Minutes***

COPIC, Mile High Room  
**7351 E. Lowry Blvd.**  
**Denver, CO 80230**  
**September 26th, 2011**  
**9:30 AM – 1:30 PM**

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

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

Over 75 people attended the meeting and additional people joined by phone.

### **I. Business Agenda—Roll Call, Approval of Minutes**

**Vote:** Board approved minutes from the 9/16/11 meeting.

### **II. Board Development and Operations**

#### **a. Report from Board Chair**

The Board Chair expressed her appreciation for all of the hard work of the subcommittees who are working to meet upcoming deadlines. The Chair gave a report about her time spent at a national Exchange conference and meeting about exchanges at the Georgetown Center for Children and Families. The Chair will represent the Board at the Division of Insurance Consumer Insurance Council on September 28, 2011 to talk about COHBE Board developments. Efforts are being made to finalize the engagement letter with the Attorney General's (AG's) office and the Board is on track to ratify the By-Laws in October. A Study Session will be planned in early November for the Board to discuss in the recommendations from the Small Employer Workgroup (SEWG) and have more in depth discussions about the SHOP.

#### **b. Governance and Bylaws Subcommittee Report**

Nathan Wilkes led the Board in a discussion of the Draft Conflicts of Interest Policy developed by the subcommittee. Other members of the subcommittee commented that they appreciated the high level of engagement from the public as they developed this policy. There was consensus among the subcommittee members that it is important for all Board members to have robust disclosure during meetings and there will be the expectation of mutual accountability among board members and from the public to hold to the policy. The Board reviewed the document by each Article and then opened the discussion to the public for comment on each Article. Board members asked the

subcommittee to further define specific words throughout the document such as “indirect and direct conflicts”, “direct economic benefits” and what constitutes a “substantial financial interest”. In addition, the Board discussed whether or not it was appropriate for the policy to include a reference to Amendment 41 that would prohibit gifts of a certain amount to be given to the Board and the time period for this kind of limitation. Under Article 4, there was a question about whether minutes should reflect a conflict of interest disclosure when the Board enters into an executive session.

**Public comment:** Louis Toro from Colorado Ethics Watch commended the Board for the early attention to conflict of interests and ethics. Mr. Toro suggested that if the Board wanted to put a limit on gifts received for particular purposes such as travel, the question to each member should be— “Am I going to this event representing the COHBE Board or as an employee with another organization?” Mr. Toro also encouraged the Board to evaluate the Conflict of Interest policy over time to ensure that it is working as intended.

**Public comment:** Elisabeth Arenales from the Center on Law and Policy made a comment on Article 6. She believed it should be written into the policy that the intent is to file and make public the disclosure documents.

**Vote:** The Board approved a motion to postpone adoption of the Conflicts of Interest Policy until the next board meeting on October 10, 2011 when the policy can be considered along with the full By-Laws and after it has been reviewed by the AG’s office and the committee further clarifies some language and definitions in the policy.

### **III. Exchange Development, Governance and Operations**

#### **a. Planning Director Report**

Joan Henneberry shared a report from the national Exchange meeting. One session at the meeting that received a lot of attention was related to the new proposal for Federal-State partnerships. See the following presentation: [Exchanges: A Proposed New Federal-State Partnership](#). The Board discussed the need to continue to closely monitor and engage in the discussion about the rules and regulations about these proposed partnerships.

Shawn Raintree gave a report on the Small Employer Workgroup (SEWG) that met on September 21, 2011. During the meeting the perspective of Health Plans was presented. At the next SEWG meeting members will develop a consensus report to share with the Board.

#### **b. Rules and Regulation Review Subcommittee Report**

Steve ErkenBrack led a discussion about the areas the subcommittee identified for comment on the HHS rules and regulations. The Board discussed adding a paragraph to the comment letter about the Federal-State partnerships that states Colorado would prefer a more robust and choice-based approach instead of a prescriptive approach with limited options. The Board also considered asking HHS to give states more time to comment

about the design of Federal-State partnerships. Steve ErkenBrack suggested a change to the area in the letter that dealt with business groups of one.

**Public Comment:**

Dan Anglin from the Colorado Association of Commerce and Industry (CACI) shared a letter with the Board summarizing CACI's perspective on the HHS rules and regulations. CACI plans to submit the letter to HHS and emphasize their desire for states to be given maximum flexibility. Mr. Anglin also encouraged the Board to continue to make the issue of affordability central to their discussions.

Ginny Brown from the Colorado Hospital Association commented on the need for states to be given flexibility with regards to network adequacy.

**Vote:** The Board adopted the comment letter from the subcommittee with additional language added about the desire for states to be given more flexibility and time to comment on the design of Federal-State partnerships.

**c. Level One Grant Review**

Gretchen Hammer led a discussion about the Level One Grant application. One Board member asked for more clarification about the UX 2014 partnership mentioned in the grant. Joan Henneberry explained a number of foundations and other partners decided to fund the development of a prototype website that could serve as a portal for consumers to purchase health insurance. It is being vetted with numerous consumer groups and COHBE staff asked the design firm to share screen shots of the website to the Board in the future. The design firm plans to make the platform and code available to all states to use for their Exchange web portal if they choose.

Another question was raised about how HCPF and DOI will cooperate within the terms of the grant. Joan Henneberry clarified that the grant requirements just ask that all parties work cooperatively at this point and staff are in the process of developing more detailed Memorandums of Understanding (MOU) agreements in the near future.

One Board member asked where the funds will go when they are received and what financial controls are set up to make sure funds are handled appropriately. Plans have been made for the Colorado Health Institute to continue to serve as the third-party administrator until COHBE establishes its corporate structure as defined in SB11-200. The Board will plan to organize a finance committee before the Level One Grant funds are received and discuss the appropriate financial controls to implement. Gretchen Hammer reported she is working with the Chair and Vice Chair of the Legislative Implementation Review Committee to approve the grant before it is submitted to HHS.

**Public comment:** Representative Gerou asked the Chair to clarify how she is adhering to the sunshine laws about scheduling a meeting with the Chair and Vice Chair since nothing has been posted publicly. The Chair clarified that she has been working with Sen.

Boyd and Rep. Gardner to schedule a time to talk about the grant, but no meeting had been scheduled at this point.

**Vote:** The Board approved a motion to approve the grant.

**IV. The meeting was adjourned at 12:30pm.**