

COHBE Board meeting
10/10/11
COPIC, Mile High Room
8:30 a.m. – 12:00 p.m.

Board members present: Eric Grossman, Ken Lund, Richard Betts, Steve ErkenBrack, Gretchen Hammer, Nathan Wilkes, Mike Fallon, Robert Ruiz-Moss, Jim Riesberg
Arnold Salazar and Beth Soberg joined by phone

Staff present: Joan Henneberry, Myung Kim, Jessica Dunbar

I: Business Agenda

Vote: The Board unanimously approved a motion to approve the 9/26/11 minutes, with 7 of the 9 voting members present.

II: Board Development and Operations

1. Report from Chair:

The Level one grant was not submitted at the end of September, however, the planning grant activities will continue through the end of the year. The Board Chair is working with the Chair of the Implementation Review Committee to set up a meeting with the Legislative Implementation Review committee to talk about the level one grant. The Grant Review subcommittee will be reconvened later in October.

2. Governance and Bylaws Committee report:

Nathan Wilkes led the board in a brief discussion about the Draft Plan of Operations document. The Board discussed the provisions of SB 200 related to governance and the legislative implementation review committee.

Vote: The Board unanimously approved a motion to go into executive session to receive legal advice from the AG's office regarding the (i) content of the Board's Plan of Operation, (ii) the structure and operations of Board Committees, and (iii) the search for an Executive Director. Seven of the nine voting members were present and all voted to go into executive session

After the executive session, Nathan Wilkes led the Board through the articles outlined in the Draft Plan of Operations document. Richard Betts asked the Board to consider changing the title of the document to make the purpose of the document more clear. Gretchen Hammer expressed concern about the inclusion of investment guidelines in the document and made the recommendation that the board separate what is governance related and operational in nature. Robert Ruiz-Moss asked the subcommittee to consider the provision to allow Board members to submit written votes if they cannot attend meetings in person.

Public comment:

Diane Dunn, Health IT Consultant, asked the board to define in the Plan of Operations document which meeting will be the annual meeting. She also suggested the Board change language related to what decisions committees can make in executive session. Lastly, she asked the Board further define the duties of the Treasurer.

Vote: The Board unanimously approved a motion to recommit the Draft Plan of Operations document to the Governance and Bylaws subcommittee, with 7 of the 9 voting members present.

The Board briefly discussed the Conflicts of Interest Policy and the need to research aspects of the policy that may conflict with existing law.

Vote: The Board unanimously approved a motion to refer the Conflicts of Interest Policy to the Governance and Bylaws subcommittee for further discussion, with 7 of the 9 voting members present.

Vote: The Board unanimously approved a motion to create separately constituted Board committees comprised entirely of members of the Board to undertake specific tasks and make recommendations to the Board, with 7 of the 9 voting members present. Members of the Board were assigned to the following committees –Governance, Grant Review, Rules and Regulations Review, and Executive Director Search. These committees will not have the authority to (i) adopt, amend, or repeal the Plan of Operations, (ii) elect, appoint or remove any director or officer, (iii) approve disposition of all or substantially all of the assets of COHBE; or (iv) take any formal action designated by Colorado Revised Statutes article 22, Title 10 as a decision for the Board. Board committees under this section are state public bodies as defined by C.R.S. §24-6-402(1)(d) and are authorized to enter into executive session for the purpose of receiving specific legal advice relevant to their assigned duties, considering applications for employment where the applicant has requested an executive session , reviewing information that is otherwise confidential by law or for any other purpose authorized by law upon an announcement in a public meeting of the purpose for the executive session and the statutory subsection authorizing the executive session, and upon a vote of 2/3 of the entire membership of the committee.

III: Exchange Development, Regulation and Operations

1. Report from planning director

Joan Henneberry shared her last day serving as the Planning Director will be November 4th. The Small Employer Work Group (SEWG) is developing recommendations to share with the full Board and a study session will be scheduled the first week of November to have a more in depth discussion about the recommendations and SHOP. The Institute of Medicine (IOM) released its initial recommendations related to the essential benefits package. The Board will have another study session about the benefits package in November or early December and Sandeep Wadhwa, who sits on the IOM committee, has offered to present at the study session. The COHBE website is on target to be launched in early November. The Data Advisory Work Group (DAWG) had more in depth discussions about data assumptions with Dr. Gruber and the workgroup plans to develop a data criteria matrix to share with the Board. The Eligibility Verification and Enrollment Work Group (EVE) will meet on October 18th and a presentation on the UX2014 project will be given.

Lorez Meinhold gave a report about the planning grant budget. The Governor's Office has a no cost extension to the planning grant until the end of December. There is approximately \$165,000 available to support Exchange planning through December 2011. The Governor's office has asked for supplemental funding to support COHBE for one or two months in early 2012.

2. Grant Review report:

Gretchen Hammer gave a report that the Board is still working to move forward with the application. Efforts are underway to rework the grant application and engage in discussions with key stakeholders including the the Legislative Implementation Review committee, Governor's office and others. The Grant Review subcommittee will reconvene later in October or early November.

3. ED Search Subcommittee report:

Richard Betts reported twelve resumes have been received to date for the CEO position and the subcommittee plans to meet on October 17th to review the applicants.

4. Rules and Regulations Review report:

The first comment letter developed by the subcommittee and approved by the Board was sent to HHS and the subcommittee is now working on developing its second comment letter based on the next set of proposed rules. The subcommittee will share a report about the next round of comments at the next Board meeting on October 24th.

Adjourn: The meeting was adjourned at 12:00 p.m.