

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

Mile High Room  
COPIC  
7351 E. Lowry Blvd.  
Denver, CO 80230

**May 14, 2012**  
**8:30 AM – 11:55 AM**

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

Staff present: Patty Fontneau, Jessica Dunbar, Amy Berenbaum, Gary Schneider, John Barela

Approximately forty people attended the meeting in person and additional people joined by phone.

**I. Board Agenda**

There were no additions or edits made to the April 23<sup>rd</sup> Board meeting minutes.

**Vote:** The minutes from the April 23<sup>rd</sup> Board meeting were unanimously approved by the Board with eight voting members present.

There were no additions made to the agenda. No Board members reported conflicts of interest.

**II. Board Development and Operations**

1. Board Chair report

Gretchen Hammer reported that she and Patty traveled to Vail to speak at a Colorado Medical Society conference. The next Board meeting will be on May 30<sup>th</sup> at the Colorado Trust.

2. Report from CEO/ED

Patty Fontneau reported that COHBE officially moved to its new location in Ptarmigan Place. The team has been working on the service and technology contract negotiations, refining the approach to policy and process decisions, and identifying members for Advisory Groups.

3. Executive Session

Gretchen Hammer reminded the public that the COHBE Board approved a procurement policy, which COHBE has been following. During the April 23<sup>rd</sup> Board meeting, the Board gave its approval for the staff to continue the service and technology contract negotiations. At 8:45am, Gretchen Hammer read the following script for the Board to enter into executive session:

“The RFP Committee is in the process of preliminary negotiation with several bidders on the Service and Technology RFP regarding key terms of the MSA and the Scope of Work provisions of it. Legal guidance is needed before the Committee can complete these preliminary negotiations and make a vendor recommendation to the Board. The Board is allowed to confer with its attorney for this matter in an executive session pursuant to Colorado Revised Statutes Section 24-6-402(3)(a)(II).”

Steve ErkenBrack motioned for the Board to enter into executive session and Arnold Salazar seconded the motion.

**Vote:** The Board unanimously approved the motion to enter into executive session with eight voting members present.

The Board entered into executive session at 8:50am. When the Board returned from executive session at 11:15am, Gretchen Hammer noted that no vote would be taken. The current negotiations related to the service and technology contract will continue and the board will meet again to receive legal counsel on the contract at 7:00am on Thursday, May 17<sup>th</sup>.

**Public comment:** None

#### 4. Advisory Groups

COHBE staff shared its [recommendation](#) for Advisory Group members and co-chairs. There are preliminary charters for the Advisory Groups which were included in the original [memo](#) about Advisory Groups. The staff will work with the co-chairs, upon their approval, to refine the charters if that is determined to be necessary.

The staff received input from the Board about potential Advisory Group members and co-chairs. The Communications and Outreach Advisory Group will continue using its existing co-chairs.

Arnold Salazar motioned to accept the staff’s recommended Advisory Group members and co-chairs. Steve ErkenBrack seconded the motion and commented that he was impressed with the geographic diversity represented on the groups. Richard Betts asked how many nominees were not able to be put on an Advisory Group and Patty Fontneau explained that many people were interested in sitting on multiple groups and it was decided that each person could only officially be a member of one Advisory Group. People who are not members of the Advisory Groups are welcome to attend any meeting and contribute their perspectives.

**Public comment:** Marc Reece, from the Colorado Association of Health Plans, commented that he would be happy to serve as a co-chair of the Health Plan Advisory Group. He asked if there would be a conflict under sunshine laws if he continued his regular communication with health plans about internal issues. Steve ErkenBrack responded that what he speaks to them about is the critical issue. Gretchen Hammer responded that, if it does become a conflict, COHBE would work to find another co-chair.

**Vote:** Gretchen Hammer noted that she received a request to do a roll call vote every time the Board votes in order to make the votes more clear to the public. The Board unanimously voted to approve the motion to accept the staff’s recommended Advisory Group members and co-chairs with eight voting members present (Nathan Wilkes, Steve ErkenBrack, Gretchen Hammer, Arnold Salazar, Richard Betts, Eric Grossman, Robert Ruiz-Moss, Mike Fallon).

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

#### **a. Policy Issues**

##### *a. Policy and Process Topic List*

Patty Fontneau gave an overview of the new Policy and Process Topics [document](#). She explained that many of the topics the staff had previously lumped under the heading of “policy” are actually processes. For the sake of clarity, the staff decided to make a distinction between policy and process topics. Some issues are better addressed in Board committees or Advisory Groups, instead of all coming before the Board initially. For example, audit requirement and financial reporting will first be addressed by the Finance Committee, and this committee will then make a recommendation to the full board. This will be a working document, therefore, the target introduction dates, essential questions, and distinctions between process and policy may undergo slight revisions going forward.

Rob Ruiz-Moss commented that he thinks the open enrollment period and mid-year plan changes topic should be addressed first by the Board instead of the IT and Implementation Committee, since it’s a bigger policy issue that just the technology considerations. Patty Fontneau responded it could be initially introduced to the full Board. There is no assumption that discussion at a committee level precludes a topic from being discussed by the full Board. In addition, it is important to note that the IT and Implementation Committee will address general implementation issues as well as technology issues.

Patty Fontneau explained that the staff will not always be providing a recommendation on a topic when it first introduces it to the Board because it sometimes makes sense to gather more input from the Board and public before making a recommendation. The staff will develop documents on audit requirements and financial reporting before the Finance Committee meeting on May 18<sup>th</sup> for review.

##### *b. Supplemental Plans and Additional Benefits*

Patty Fontneau introduced the Supplemental Plans and Additional Benefits [document](#). According to this document, COHBE should create the technology to support the selection and comparison of supplemental plans and additional benefits beginning October 2013. The final scope of plans and benefits to be included will meet applicable certification criteria, be in the best interest of Colorado consumers and be dependent upon cost and implementation risk. Staff recommends the Board give them approval to select the minimum number and types of supplemental plans and additional benefit types after conducting further cost benefit analyses and gathering input from stakeholders.

Eric Grossman agreed that increasing access is a primary objective for COHBE and that technology considerations are very important. He also noted that including supplemental plans on the Exchange could be an incremental source of revenue for COHBE in the future.

The issue of Essential Health Benefits was also raised. Rob Ruiz-Moss asked what types of non-QHPs could be sold on the Exchange and suggested COHBE get input from a lawyer and the DOI.

Steve ErkenBrack suggested COHBE reach out to entities that offer dental and vision coverage. Arnold Salazar commented that transparency will be very important so that people understand what they're buying when they shop on the Exchange. People should still be able to compare apples to apples; it would be a problem if benefits are bundled in such a way that makes comparisons difficult.

Gretchen Hammer asked CCHI and CCLP to offer feedback from the focus groups they conducted across the state about consumer preferences related to supplemental plans and additional benefit types. She also asked staff to research what other states are doing on this policy issue. John Barela responded that many states are in a similar position as Colorado, however, he also pointed out that a private exchange in Connecticut derives a significant amount of revenue from supplemental products. Research will be conducted on Connecticut's and Utah's experiences and staff will report out to the Board on May 30<sup>th</sup>.

**Public comment:** Dan Anglin, from the Rocky Mountain Employer Health Alliance, commented that the broker relationship and compensation topic should be addressed in the Individual Experience Advisory Group as well as the SHOP Advisory Group. It might make sense for the two Advisory Groups to meet together to discuss brokers after they've discussed the issue separately. He also commented that he can provide his members' opinions on supplemental plans.

Gretchen Hammer reiterated that the next Board meeting will be on May 30<sup>th</sup> in the Sabin Room at the Colorado Trust.

**Meeting adjourned:** 11:55am