

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

**Sabin Room, The Colorado Trust**  
**1600 Sherman St.**  
**Denver, CO 80203**  
**May 30, 2012**  
**8:30 AM – 11:30 AM**

**Board members present:** Mike Fallon, Jim Riesberg, Eric Grossman, Richard Betts, Gretchen Hammer, Arnold Salazar, Steve ErkenBrack, Nathan Wilkes, Sue Birch

**Staff present:** Patty Fontneau, Jessica Dunbar, Adele Work

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

**I. Business Agenda**

There were no additions or edits made to the May 14<sup>th</sup> and May 17<sup>th</sup> Board meeting minutes.

**Vote:** The minutes from the May 14<sup>th</sup> and May 17<sup>th</sup> Board meetings were unanimously approved with seven 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 traveled to the Summit County Health Care Collaboration meeting. The 2012 annual meeting of the Board will be held on July 9<sup>th</sup>. Board officer elections will be held at this annual meeting.

**III. Exchange Development and Operations**

1. Report from CEO/ED

Patty Fontneau reported that the Advisory Groups have been established and the first meetings are scheduled. As part of the establishment process, the charters have been updated and process and policy topics assigned. Patty pointed out that the policy and process list is a ‘living’ document and is expected to undergo changes as staff conduct more research on each topic. COHBE staff will identify changes in color and include revised dates for each version.

Patty also reported legal counsel reviewed the open meeting requirements relative to the Advisory Groups and a summary of the findings will be posted online. COHBE staff will further address questions about emails between Advisory Group members and post that online as well.

As part of the outreach program, two COHBE staff members (Myung Kim and John Barela) are traveling in southern Colorado and plan to speak with a variety of carriers, providers and other groups.

COHBE is finalizing contract negotiations with CGI and Patty Fontneau requested changes to the previously approved Board motion related to ongoing negotiations. Specifically, Patty requested that the motion be modified to allow her to continue to negotiate and sign contracts with CGI “and their vendor partners”. The original motion was limited to CGI. After some discussion amongst Board members regarding the need to balance ensuring Patty has the flexibility to make good business decisions with the need for financial oversight from the Board, Nathan Wilkes made the motion to give the ED / CEO approval to negotiate with CGI and their vendor partners. Steve ErkenBrack seconded the motion.

**Vote:** The motion to allow the ED/CEO to negotiate contract with CGI and its vendor partners was unanimously approved by the Board with seven voting members present.

There was no public comment on this issue.

## 2. Finance Committee Report

Richard Betts gave a report from the Finance Committee since the current chair of the committee, Rob Ruiz-Moss, was not able to be at the meeting. At the last meeting the committee reviewed monthly financial reports and discussed requirements for financial reporting and audits. The Finance Committee submitted recommendations for the types of reports that will be produced and the reporting frequency. Richard made a motion that the Board approve these reporting recommendations. Since this was a committee meeting recommendation, no second was required.

**Vote:** The financial reporting requirements were unanimously approved with seven voting members present.

Richard then reviewed the Finance Committee recommendations related to audit requirements and requested that the Board approve these recommendations.

**Vote:** The audit requirements were unanimously approved with seven voting members present.

## 3. Policy Issues

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

Patty noted that the question to the Board is whether to allow staff to pursue the technology to support the offering of supplemental plans and additional benefits in the Exchange. She stressed that COHBE will need further input from advisory groups on how to implement, bundle, present and price these supplemental plans and additional benefits, however, at this time COHBE staff are looking for approval to work with CGI to develop an approach for implementing this functionality. Several Board members provided their opinions about the need to ensure that the Exchange is competitive;

verifying that the current SOW with CGI includes the costs to design, develop, implement and maintain this functionality; and the need for additional input into the design of the solution. After this discussion, Arnold Salazar motioned to concur with staff recommendations and proceed with this as an item this is included in the Statement of Work with CGI. Steve ErkenBrack seconded the motion.

**Public comment:**

Kate Paul from Delta Dental shared that she supported the recommendation. She commented that children’s oral health is enhanced when their whole family has improved oral health (i.e., the family has dental health coverage).

**Note:** The following motion—“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”—was unanimously approved by the Board with seven voting members present.

4. Policy Issues to be Introduced

The following policy / process issues were introduced and will be further discussed at upcoming Advisory Group, Board Committee and/or Board meetings per the Policy and Processes list.

- Certification of Exemption from Individual Mandate
- Protection Against Fraud Waste and Abuse – referred to the Finance Committee
- Management of Eligibility Appeals - referred to the IT and Implementation Subcommittee
- Administering Advanced Premium Tax Credits and Cost Sharing Assistance – referred to Health Plan Advisory Group
- Standard Comparative Plan Information – referred to the SHOP and Individual Experience Advisory Groups.

Patty gave an overview of the Certification of Exemption from Individual Mandate topic. After reviewing the options, COHBE Staff recommended using the federal service for determining eligibility for exemption from the Individual Mandate. HHS will develop this functionality and states can choose to use this functionality instead of building their own processes.

The cost of using the federal service is unclear at this time. The Board discussed the potential impacts to customer service if COHBE uses the federal shared service and requested staff provide responses to the following questions at the next meeting:

- What is the percentage of people who would be eligible for the exemption?
- What are other states doing?
- What exemptions are attested to and what is verified through data systems?

*Further discussion about Protection from Fraud, Waste and Abuse:*

This is a very big topic covering at least four distinct areas. The topic will go first to the Finance Committee and will likely be broken up into smaller areas and referred to other groups for discussion.

*Other comments on Policy and Process list:*

Jim Riesberg expressed concern about the timing of the Health Plan Certification process and requested that the dates for this topic be moved from late summer 2012 to June 2012. COHBE staff agreed to look at making this change.

**Public Comment:**

Dianne Dunn noted that it would be helpful to have background information on policy and process topics before they are introduced.

George Lyford from CCLP pointed out that the appeals process will be difficult to manage if portions of the process are 'owned' by COHBE and others by the Federal government. He also strongly suggested we use the funding available now to build as much of the Exchange as possible.

**Meeting adjourned:** 9:55 am