



Colorado Health Benefit Exchange
Board Meeting Minutes

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

August 27, 2012
8:30 AM – 11:30 AM

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

Staff present: Patty Fontneau, Lindy Hinman, Jessica Dunbar, John Barela, Jim Sugden, Myung Oak Kim, Lynn Pressnall, Adele Work, Matt Benson.

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

I. Business Agenda

There were no additions or edits made to the August 13, 2012 Board meeting minutes.

Vote: The minutes were unanimously approved. There were eight voting members present.

There were no changes made to the agenda. There were no conflicts of interest reported.

II. Board Development and Operations

1. Board Chair Report

Gretchen Hammer reported reading a letter to the editor, published in the Denver Post on August 24th, which contained incorrect information about the Exchange. She clarified that the Exchange would include both bundled and stand-alone vision and dental plans. The Board previously made a policy decision about supplemental plans and it was reflected in the Board minutes of July 23rd. This decision will be clarified with the Denver Post.

III. Exchange Development and Operations

1. Report from CEO/ED

Patty Fontneau announced a public meeting will be held September 12th to view and provide feedback about preliminary customer shopping screen designs for individuals and families.

The Advisory Groups expressed concern regarding their role going forward. Patty clarified that the groups, as per their charters, will continue to be engaged for input and recommendations on



COHBE policy and process topics as we move into the next stage of development of the Exchange.

Three new employees were introduced: Lindy Hinman, Chief Operating Officer, Jim Sugden, SHOP manager, and Kelly Ryan, Legal Counsel. A Policy Analyst will join on October 1. COHBE will soon post job openings for two positions: Navigator Program Developer and Navigator Coordinator.

2. Rules & Regulations Committee Report

a. Single Streamlined Application – Comment Letter

The recommendation was made to adopt gender neutral language.

Steve ErkenBrack reported the committee discussed the letter submitted by One Colorado, which strongly encouraged gender neutral language. The committee approved submitting the recommendation to the board.

Steve ErkenBrack made the motion to accept the recommendation. Arnold Salazar seconded the motion.

Public comment: None.

Vote: The recommendation was unanimously approved. There were eight voting members present.

3. Policy Issues (Part 1)

Gretchen Hammer re-introduced the Broker and Navigator guiding principles. Previously, the SHOP Advisory Group reported on Broker guiding principles and the Individual Experience Advisory Group reported on Navigator guiding principles. The Individual Experience Advisory Group reported on their discussion about brokers and agent guiding principles and the SHOP Advisory Group reported on their discussion on Navigator guiding principles.

Patty Fontneau reported the finance committee met to discuss Navigator and Broker/Agent guiding principles; however attendance did not constitute a quorum. The committee expressed its commitment to broker compensation being comparable inside and outside the exchange. The committee will continue to discuss the legal structure COHBE takes on to partner with brokers and agents and the impact this structure will have on the certification process.

a. Broker Role & Relationship – Guiding Principles

The recommendation was made to approve the guiding principles.

i. Report from Individual Experience Advisory Group

Ashley Wheeland, a co-chair of the Individual Experience Group, stated the group had a robust conversation about the role of brokers and the issues around compensation and overall supported the guiding principles. The group recommended a process for certifying and re-certifying brokers



be developed and the Exchange should not duplicate current educational and licensing requirements

Steve ErkenBrack asked for clarification on the distinction between brokers and navigators. Patty Fontneau responded that navigators will facilitate enrollment and they will not be permitted to offer advice about what plans to choose on the Exchange. Jim Reisberg commented there may be grant funds available for “assistors” that are neither brokers nor navigators.

Arnold Salazar asked if individuals and/or small businesses were required to use brokers. Patty Fontneau clarified that no one is required to use brokers. Point 4 in the guidelines will be clarified.

Robert Ruiz- Moss recommended there be clear certification requirements developed for brokers, and that a clearly defined list of certified brokers is made available to the carriers.

Gretchen Hammer asked for clarification about whether there was a majority in favor in the Advisory Groups around broker compensation being set comparable inside and outside the exchange. Patty Fontneau concurred.

Jim Riesberg stated the Colorado Legislature passed a bill that allowed for the training and funding of Navigators around the state that could help people be better educated and receive enrollment assistance related to Medicare. This could serve as a model for COHBE to study.

Arnold Salazar made the motion to approve the guiding principles with the clarification that individuals and small businesses should not be required to use brokers. Robert Ruiz-Moss seconded the motion.

Steve ErkenBrack made the motion to table the vote until after the Navigator discussion. Nathan Wilkes seconded the motion.

Vote: The motion to table was unanimously approved. There were eight voting members present.

After the Navigator Program guiding principles discussion, public comments were heard on both broker and navigator guiding principles. Following the public comments, the vote was held on the recommendation to approve the Broker Role & Relationship guiding principles, with the clarification that individuals and small business should not be required to use brokers.

Vote: The recommendation was unanimously approved. There were eight voting members present.

b. Navigator Program – Guiding Principles

The recommendation was made to approve the guiding principles.

i. Report from SHOP Advisory Group

Cindy Sovine- Miller reported the group discussed the distinction between brokers and navigators. The group reviewed state laws dictating the role of a broker, and noted that more



clarification is needed on the role of navigators. The group was supportive of the guiding principles.

Patty Fontneau added that navigators cannot receive commissions from health plans. Brokers, based on their licensure and certification, may receive commissions and can advise consumers on health plan choice.

Steve ErkenBrack made the motion to approve the guidelines with the added phrase “*subject to the regulatory standards to be promulgated by Health and Human Services (HHS).*” Nathan Wilkes seconded the motion.

Steve ErkenBrack made the motion to consider Broker and Navigator guiding principles simultaneously with the caveat that each would be voted on separately. The motion was seconded and passed unanimously.

Richard Betts recommended a plan be developed to fund the Navigator Program for at least the first two years.

Public comment: Debra Judy, from the Colorado Consumer Health Initiative, advised that Navigators will need to be aware of Medicaid eligibility parameters and recommended the board consider adopting a conflict of interest policy.

Kristen Russell, Executive Director of Fall River Employee Benefits, supported the guiding principle that stated broker compensation should be comparable inside and outside the exchange.

George Lyford, from the Colorado Center on Law and Policy (CCLP), wasn't sure if there would be further guidance on the roles of brokers and navigators from HHS... He recommends that the Health Plan Advisory Group and the SHOP Advisory Group be involved in further broker compensation discussions and recognizes that comparable programs, while mirroring each other, could also incorporate differences.

Tom Rose and Sam Murillo, from Family Voices, encouraged the Exchange be sensitive to users from the disability community with special needs when it develops training for the Navigator Program.

Eric Grossman requested that the Navigator program be continuously evaluated.

Steve ErkenBrack made the motion to strike *after 2 years* and replace with *should be evaluated continuously*. Eric Grossman seconded the motion. The motion was unanimously approved. There were eight voting members present.

Gretchen Hammer made the motion to accept the recommended guiding principles as amended. The motion was seconded.

Vote: The recommendation was unanimously approved. There were eight voting members present.

4. CO-OP Update



Lindy Wallace and Marcia Benshoof, from the Colorado Health Cooperative, presented an overview of the Consumer Owned and Consumer Operated Health Cooperative (CO-OP).

Through the passage of the Affordable Care Act, Health and Human Services (HHS) loan funding was made available to develop a cooperative in every state. The Colorado Legislature approved the development of a Colorado Health Cooperative and Lindy Wallace was appointed President of its board on July 27th.

The intent of the Colorado Health Cooperative is to provide a health product through the Exchange that is as competitive as traditional private insurance products. The CO-OP is being constructed on a timeline that coincides with the launch of the Exchange.

Arnold Salazar asked if consumers had to be a member of the CO-OP in order to purchase a health plan. Lindy Wallace responded that if a person purchased a health plan through the CO-OP he or she would become a member and would not need to join before purchasing a plan.

Robert Ruiz-Moss asked if the CO-OP would offer health plans solely through the Exchange. Marcia Benshoof responded that the CO-OP will sell both inside and outside the Exchange and will offer both individual and small group plans.

5. Policy Issues (Part 2)

a. Customer Service Center

The recommendation was made to approve the guiding principles.

i. Report from Individual Experience Advisory Group

Ashley Wheeland reported the following: some members thought Navigators should be co-located in the customer service center, the role of brokers and navigators should be clearly defined and communicated to the public, there should be customer service offered in multiple languages and that the customer service center should refer people to public programs for which they qualify. In general the group supported the guiding principles.

ii. Report from Health Plan Advisory Group

Marc Reece reported the group felt it was critically important for the Exchange to ensure CSRs make person-to-person transfers inside the customer service center and outside to carriers or state agencies when outside assistance is required.

iii. Report from SHOP Advisory Group

Jim Sugden, on behalf of the co-chair who couldn't be present, reported the group felt strongly that consumers and employers should have a consistent and complete experience. The customer service center should be staffed by representatives that can educate, provide assistance and answer questions as well as licensed staff who can advise on plan choice.

Robert Ruiz-Moss asked if we could learn from other state exchanges about the types of calls that come into call centers. Patty Fontneau responded that the experience of other exchanges has



shown that people may interact with the Exchange up to eight times before making a decision and enrollment can be a long process that we need to be prepared to handle.

Jim Reisberg asked when the Exchange would transfer a customer to another agency or to a carrier. Patty Fontneau responded that transfers would occur to other state agencies and carriers when it was determined that the individual may qualify for a state program or the person could be better served by another organization. The transfer protocols and processes will be developed in the operational guidelines.

Eric Grossman made the motion to amend the guiding principles by replacing the phrase “best in class” with “an excellent”. Steve ErkenBrack seconded the motion.

Vote: The motion to amend was approved with five affirmative votes. Arnold Salazar voted no and Nathan Wilkes abstained. There were seven voting members present.

Arnold Salazar made the motion to accept the recommended guiding principles as amended. Richard Betts seconded the motion.

Public comment: None.

Vote: The motion was unanimously approved. There were seven voting members present.

b. Certification of Insurers & Qualified Health Plans – Part 2 of 3

The recommendation was made to approve the guiding principles.

i. Report from Health Plan Advisory Group

John Barela reported the group discussed the level of guidance provided by the Division of Insurance on the requirements necessary for Essential Health Benefit (EHB) validation. The group acknowledged that no plan should discourage unhealthy people from enrolling, that plans should be clearly differentiated and plans should not be marketed to groups based on the status of the health of the group. It will be important for COHBE to clarify that COHBE is not endorsing any plan; COHBE is making available qualified health plans. Questions regarding Essential Community Providers (ECP), primarily in the rural areas, were also discussed.

Richard Betts asked how someone would prevent a carrier from advertising in snowboarding magazine, a perceived healthy group. Jim Reisberg responded that the Division of Insurance does not regulate where plans can be promoted. John Barela clarified that the group’s discussion centered on advertising content that directly affected COHBE rather than where the advertisement was placed.

Eric Grossman asked if the DOI had the staff and resources to administer the Qualified Health Plan certification process. Patty Fontneau responded that the Exchange is working closely with the DOI to develop the process and tracking it closely.



Jim Reisberg noted that carriers are using some SERF information and asked what specific information the Exchange will need from SERF data. Patty Fontneau also identified that memorandums of understandings (MOU's) were being worked on between DOI and COHBE. COHBE will be able to access some SERF information but not all. John Barela added that work processes are being coordinated between DOI and COHBE.

Gretchen Hammer introduced three recommendations incorporated in the guiding principles separately.

**1) Validation of Essential Health Benefits
Discriminatory Benefit Design
Plan Differentiation.**

Eric Grossman asked who would be responsible for defining and implementing the validation of Essential Health Benefits and QHPs. Patty Fontneau responded the DOI would handle both. Jim Reisberg stated that QHP certification is through a national accreditation process which is one of two in the ACA. QHP's will go through that process to obtain their accreditation. DOI will not be changing what is currently in place.

Eric Grossman made the motion to accept the first recommendation with the suggestion to add the phrase "and definition" after the word "implementation" in the sentence "Given the objective not to duplicate DOI activities, COHBE suggests leaving the implementation of these requirements to DOI." Arnold Salazar seconded the motion.

Public Comment: George Lyford asked that COHBE establish a process to ensure the service areas of qualified health plans can't discriminate on the basis of health status.

Vote: The motion was approved with six affirmative votes, Eric Grossman voted no. There were seven voting members present.

2) Marketing

Arnold Salazar made the motion to approve the second recommendation. Richard Betts seconded the motion.

Public Comment: None

Vote: The motion was unanimously approved. There were seven voting members present.

3) Essential Community Providers

Steve ErkenBrack made the motion to approve the third recommendation. Eric Grossman seconded the motion.

Public Comment: Marc Reece, from the Colorado Association of Health Plans (CAHP), supported the current Federal standards and didn't see the need to expand them to include Essential Community Providers. Because they anticipate new provisions about essential community providers to be released by the Department of Health and Human Services (HHS) CAHP encouraged the board not to add additional requirements.



Arnold Salazar said he understood the difficulty Health Plans would have in contacting all ECP's but asked if it was possible to require ECP's, mental health plan providers for example, to contact Health Plans. Marc Reece responded that they were working on how to better integrate mental health plan providers into the health plan market.

Donald Moore, board chair of Colorado Community Health Network (CCHN), requested that Qualified Health Plans (QHP's) include Essential Community Providers (ECP's). CCHN agreed with following the state definition and didn't want to duplicate the roles played by the Exchange with the Department of Insurance.

Arnold Salazar expanded the motion that ECP's reach out to QHP's and QHP's be required to include them in their plans if ECP's met all network requirements. Nathan Wilkes seconded the motion.

Susan Birch requested a bullet point be added stating that integrated health, dental, etc. services from small non-profit services be included. She felt it was important for the service level to be consistent throughout the state.

Mike Fallon disagreed that a carrier should be required to include ECP's.

Jim Reisberg pointed out that the DOI has no enforcement ability in private contracts between ECP's and QHP providers.

Arnold Salazar restated the motion that if ECPs meet certification requirements, carriers must allow them to participate in their QHPs. Nathan Wilkes seconded. Arnold Salazar, Steve ErkenBrack and Robert Ruiz-Moss recused themselves from the vote citing potential conflicts of interest.

Public comment: None.

Vote: The motion failed with two votes in favor, three opposed and three abstentions. Arnold Salazar (abstain), Nathan Wilkes (yes), Eric Grossman (no) Richard Betts (yes), Steve ErkenBrack (abstain) Mike Fallon (no) Gretchen Hammer (no) Robert Ruiz-Moss (abstain)

The original motion, made by Steve ErkenBrack and seconded by Eric Grossman, to accept the third recommendation as written, was restated.

Public comment: None.

Vote: The recommendation was unanimously approved. There were eight voting members present.

Meeting adjourned: 12:25 p.m.