



Board Meeting Minutes

**Mile High Room, COPIC
7351 E. Lowry Blvd. Denver, CO 80230
January 14, 2013
8:30 AM – 12:10 PM**

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

Staff present: Cammie Blais, Jessica Dunbar, Adela Flores-Brennan, Patty Fontneau, Caren Henderson, Lindy Hinman, Kyla Hoskins, Myung Oak Kim, Kelly Ryan, Gary Schneider, Heather Taber, Laura Villanueva, and Adele Work.

Approximately 40 people attended the meeting in person and additional people joined by phone.

I. Business Agenda

There were no additions or edits made to the November 26, 2012, December 10, 2012, or December 21, 2012 Board meeting minutes.

Vote: The minutes were unanimously approved. There were 9 voting members present.

There were no changes made to the agenda.

There were no disclosures on any new conflicts of interest.

II. Board Development and Operations

1. Board Chair Report

Gretchen Hammer announced that COHBE's annual report to the Colorado General Assembly was due the following day, January 15th. The report to the three health care committees of the legislatures provides an update on the development of the Exchange in 2012, as well as answers questions about the implementation. Gretchen informed everyone that the oral report would be presented on January 24th at 1:30pm in the Old Supreme Court chamber.

III. Exchange Development and Operations

1. Report from CEO/ED

Patty Fontneau provided a general overall view of the state of the Exchange. In 2012 there were 36 Board meetings, more than 40 policies determined, 50 Advisory Group meetings, and more than 140 public meetings. On the technology front, COHBE is moving from design to implementation. On the finance front, there has been much work around addressing ongoing operations and financial sustainable. COHBE is also shifting its focus from technology to the outreach and communications. Patty concluded with a reminder that the annual report would be sent the Board on January 15th.

Gretchen Hammer asked if COHBE has a plan to track its progress. Patty responded that COHBE is currently working to outline the processes and procedures it plans to tackle in the next year and frame these within a general timeframe, with the understanding that items may shift as policies shift.

2. Overview of 2013

a. Core Values/Introduction to Balanced Scorecard

Lindy Hinman [presented](#) on the Balanced Scorecard tool and how it is being used to help COHBE define its Core Values and Purpose. COHBE initiated this process in the latter part of 2012 and hopes to complete by the end of March/early April, pending Board input. There was Board discussion and consensus that the discussion should be brought back to the Committee level before bringing back again before the board. Patty Fontneau agreed to put it on the agenda for an upcoming IT and Implementation Committee meeting for further discussion.

b. Branding Update

i. Presentation

Myung Oak Kim [presented](#) on the overall process COHBE has gone through in looking for a new name. Myung summarized the stakeholder feedback about our current name, the national research that has been conducted, the guidance about branding, and the names that other states have chosen.

Steve ErkenBrack suggested that COHBE should move forward with the name that presents the least amount of legal issues.

Sue Birch asked if COHBE had thought about repurposing Cover Colorado. Myung replied that the Executive Director of Cover Colorado has presented this idea, but there was concern that it would add confusion for those already familiar with Cover Colorado. Mike Fallon added that not only would it be confusing in the public realm, but that it would likely cause confusion among those within the medical field.

Patty Fontneau informed the Board that COHBE owns multiple URLs and is currently pursuing the legal risks. Rob Ruiz-Moss added that COHBE should make sure that for any name option, the public would not be misdirected to another website, which Myung acknowledged.

ii. Public Comment

Cindy Sovine-Miller reminded the Board that COHBE has more than one audience, and to keep in mind that COHBE will also need to appeal to businesses. She suggested working with the Colorado business chambers to see if there are name preferences.

iii. Vote

As clarified by Patty Fontneau earlier, there was no Board vote on the topic.

c. Technology Update

Adele Work provided an implementation [overview](#) and discussed the current outlook. After reviewing the COHBE leads of the core implementation team, Adele summarized the high level schedule until the October 1st



go-live and reviewed the status of key CGI deliverables. Adele concluded with a discussion of the current COHBE status dashboard and an overview of the key implementation risks that COHBE will track until go-live.

Eric Grossman asked if COHBE is receiving more clarity from CMS. Adele replied that there has been improvement.

3. Policy and Process

a. 2013 Legislative Approach

i. Presentation

Gretchen Hammer reported on the need to codify in policy the [COHBE Board Legislative Approach](#). She walked through the Board through the document and highlighted the following recommendations:

1. The Colorado Health Benefit Exchange will not take a position on legislation unless the legislation will have a direct and significant impact on the continued operation of the Exchange.
2. If a piece of legislation is anticipated to have a direct and significant impact on the continued operation Exchange, the board will discuss whether or not a position is warranted.
3. If the board determines that it is appropriate to take a position on a piece of legislation, there will be general discussion and guidance at a board meeting. The Board Chair, CEO or other board designee will have the authority to represent the board as required in working with legislators, administration officials, the Governor, as well as, other parties through the legislative process.
4. If a board member receives a request from a legislator or committee for general information about health care or the health care industry or is asked for a comment on potential legislation, the board member will make it clear that their comments do not represent a position of the COHBE board.

Commissioner Riesberg raised an issue with the 4th recommendation. He suggested that language be added to read that in the context of a COHBE matter specifically, the Board member should defer to the Board Chair, CEO, or other Board designee. Steve ErkenBrack added that another way to word it would be to clarify that if a Board member is asking about information within the context of a COHBE matter specifically, then to clarify that their comments are not reflective of the COHBE Board.

Rob Ruiz-Moss raised the question of how Board members can realistically know what is in front of legislatures and the effect it will have on COHBE. Gretchen Hammer responded that Board members can always use the “direct and significant impact” guideline and bring things to the Board or COHBE staff as appropriate.

Steve ErkenBrack moved to approve the COHBE Board Legislative Approach with the following changes 1) leave as is 2) add in language to include “the Board or the Board Executive Committee will discuss” 3) tighten up language in the case that impact is determined and 4) tighten up language to read that if it is the context of a COHBE matter specifically, the board member should then defer to a designee (Board Chair, CEO, or other Board designee).

Nathan Wilkes expressed his disagreement with the change to the 4th recommendation. His concern is that it takes the individual’s right to give opinions on COHBE Board activities. Gretchen Hammer clarified that “general information about health care” can be taken out and it be clarified that the Board member can reflect the Board position if there is one, but to not comment on the Board’s position on items where there is not one.

Rob Ruiz-Moss mentioned that the ability to introduce legislation is not captured under the recommendations. Gretchen Hammer replied that the Board has the ability under Senate Bill 200 and therefore did not think there



was a need to codify. Patty Fontneau added that a phrase can be added to the 2nd recommendation if the Board determines that there is a need to initiate legislation.

Steve motioned to accept the COHBE Board Legislative Approach with the aforementioned changes, with the additional clarifications that 1) language be added to the 2nd recommendation to codify the Board's ability to initiate legislation and 2) language be added to the 4th recommendation to clarify that Board members should distinguish between comments on COHBE's positions and their own personal comments. Arnold Salazar seconded the motion.

No further Board discussion.

ii. Public comment

No public comment.

iii. Vote

Vote: The motion was unanimously approved. There were 9 voting members present.

4. Usability Contract with CU

i. Presentation

Gary Schneider introduced the [Assistive & Usability Services Recommendation](#). Gary identified the 5 items that the University of Colorado's Assistive Technology Partners team addressed in their proposal:

1. Reviewing the Exchange site for accessibility and usability
2. Reviewing COHBE's new website
3. Reviewing marketing/communications collateral
4. Reviewing notices
5. Reviewing training materials and delivery techniques for disabled clients

Nathan Wilkes asked if the proposal included a follow-up piece with CGI if modification of the interface is needed, and if we have an estimate as to how that would affect the implementation timeline if problems are found. Gary replied that the review would start before getting to the User Acceptance Testing phase in order to prevent a backlog of inefficiencies.

Commissioner Riesberg asked about the length of the contract. Gary clarified that it would be through usability testing, which is scheduled for July.

Sue Birch asked if COHBE opened up the process to other vendors in order to secure the most competitive pricing. Gary replied that COHBE did not have a formal RFI. Patty clarified that this is allowed under the sole sourcing of the procurement policy.

Richard Betts moved to allow Patty Fontneau to negotiate a contract with CU to meet the demands of the usability and accessibility requirements. Nathan Wilkes seconded.

ii. Public comment



No public comment.

iii. Vote

Vote: The motion was unanimously approved. There were 9 voting members present.

5. Navigator Program

a. Consumer Group Presentation by CCHI, CCLP, and CoPIRG

Debra Judy with the Colorado Consumer Health Initiative began the [presentation](#) on the Affordable Care Act Implementation Fund Project: The Colorado Exchange Navigator Program. She referenced the [Project Summary](#) that was sent to the Board prior to the meeting. The data collected for this project was provided on flash drives to each Board member.

Elizabeth Arenales with the Colorado Center on Law and Policy summarized the Consumer Focused Recommendations and the Navigator Entity Recommendations.

Adam Fox from the Colorado Consumer Health Initiative summarized the results from the Community Based Organization Survey, which surveyed organizations on their knowledge, capacity and interest in the Navigator program. Project Partners identified who the survey was sent to, with 109 organizations responding. Adam highlighted the following items:

- 76% of respondents came from urban locations versus 24% from rural.
- Number one concern that emerged was funding. Other areas identified as top organizational needs included a desire for more information about the Exchange, the role of the Navigators, the timeline in relation to the October 1st deadline, and the process for technical assistance/training.
- The most important criteria for a Navigator identified in this study was that they be a trusted resource. Licensing was seen as least important.

Lisa Ritland with the Colorado Public Interest Research Group Foundation (CoPIRG) talked about the 20 community discussions that took place throughout the state of Colorado in both urban and rural areas, with a total of 414 participants. Based on the groups targeted and the demographics, they are likely to use the Exchange. The discussions covered key questions and concerns when shopping and buying insurance on the Exchange website. Some of the top website needs identified included:

- Excellent filter and search options
- Side-by-side plan comparison
- Cost calculator
- The ability to hover your mouse over a term and have a definition pop up

Lisa concluded the presentation with identifying the sources people trusted the most for support. While all options had a mixture of being trusted and not trusted, providers, community groups, and nonprofits were the most trusted sources.

Rob Ruiz-Moss asked if there was any indication what people wanted sorted on the website. Lisa replied that people want the ability to see all their options, but would like to be able to filter 3-4 available plans to do a side-by-side comparison.



b. 2013 Program Update

Adela Flores-Brennan presented an [overview](#) of the Colorado Health Benefit Exchange Navigator Program. She summarized the December 18, 2012 Stakeholder meeting that was well attended and included breakout sessions to determine Navigator entity criteria. Adela addressed the need for an aggressive schedule due to the amount of time and effort needed to implement the program. An RFP will be released in February asking for applications for a grant opportunity.

Steve ErkenBrack asked why there is a limitation on health plans under the Prohibition on Navigator Conduct. Adela clarified that this is a federal guideline. Steve asked if COHBE is prohibited from making their regulations tighter than what the federal government requires. Adela replied that no, COHBE can have tighter regulations that the federal government requires.

Beth Soberg asked at what point or in what committee does COHBE think about the designation of Navigators by the Exchange (i.e. types of training, licensing questions, governance, etc.). Patty Fontneau replied that COHBE does not anticipate the Board being involved in the selection of the actual Navigator entities. Adela added that COHBE is responsible for training and certification, and that through the application process COHBE will ask the right questions to identify any conflicts.

Rob Ruiz-Moss asked for clarification on the available federal funds. Adela clarified that COHBE can receive funding up to a certain point for costs such as certification, training, and outreach, but COHBE cannot use federal funding for the actual grant to pay Navigators for the performance of their duties. The assister program does not have the same restrictions and can have federal grant support through the end of 2014. Rob asked if COHBE is looking to identify funding sources. Adela replied that COHBE is looking at other grant opportunities now.

Steve ErkenBrack commented that COHBE needs resources on the ground in the form of providers and that COHBE needs to work through this.

IV. Executive Session – Personnel Discussion

Richard Betts moved to go into executive session to discuss the goal setting and review for Patty Fontneau.

No discussion on motion.

Vote: The Board unanimously approved the motion to go into executive session to discuss confidential personnel matters. There were 8 voting members present.

The executive session adjourned at 12:09 PM.

V. Adjourn

The Board meeting adjourned at 12:10 PM.