



Board Meeting Minutes

**Mile High Room, COPIC
7351 E. Lowry Blvd. Denver, CO 80230
February 11, 2013
8:30 AM – 11:12 AM**

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

Staff present: John Barela, Marcia Benshoof, Cammie Blais, Stephanie Eng, Adela Flores-Brennan, Patty Fontneau, Caren Henderson, Lindy Hinman, Kyla Hoskins, Myung Oak Kim, 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 January 14, 2013, January 17, 2013 or February 1, 2013 Board meeting minutes. Gretchen Hammer reminded the Board about the January 14th vote on the [COHBE Board Legislative Approach](#) and that the changes to this document were captured in the minutes from that meeting.

Vote: The minutes were unanimously approved. There were 8 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 revisited the discussion on moving back to two Board meetings a month instead of the once a month meeting schedule with ad hoc meetings and calls as needed. The Board expressed their support on moving back to two meetings a month with the understanding that the second meeting would be cancelled if not needed, and that this would be reevaluated later in the year.

a. Board Conflicts of Interest Policy Annual Disclosure

Gretchen Hammer announced that all the COHBE Board Conflict of Interests documents were completed, reviewed, and are now on file at COHBE. They will be posted on the website.

III. Exchange Development and Operations

1. Report from CEO/ED



Patty Fontneau shared that CCIIO conducted a rate setting simulation in Denver in the end of 2012. COHBE has asked for a webinar of the findings for carriers and other interested parties.

2. Finance Committee Update

a. Q4 Financial Statements

Rob Ruiz-Moss recapped the Finance Committee's discussion on the [4th quarter financial statements](#).

Eric Grossman asked about future staffing. Cammie Blais replied that we are on target with projections and are expecting to hire more personnel in March and April.

There was clarification that the expenditures listed were YTD, whereas the budget amounts listed included projections through July 2013. Rob added that the contractual and technology piece comprises the largest portion of the budget and that much has already been contractually obligated.

The Board reviewed the statements and there were no further questions.

b. Broker Relationship – Commissions

Rob Ruiz-Moss provided a high level [overview](#) of COHBE's approach regarding broker commissions. Based on discussion with Advisory Groups, Consumer Groups, and Business Groups, COHBE recommends that broker commissions do not flow through the Exchange. Brokers will be paid directly by the carriers. COHBE feels that this is in line with the guiding principles set by the Board on August 27, 2012.

c. Broker Relationship – Appointments

Rob Ruiz-Moss also [updated](#) the Board on COHBE's position in regard to broker appointments. Carriers will appoint brokers that have met all certification requirements of the Exchange.

3. Policy & Process Topics – Rules and Regulations Committee Update

a. Comments on Eligibility & Enrolment for Medicaid and Exchanges Proposed Rule

i. Recommendation from Rules and Regulations Committee

Arnold Salazar [summarized](#) the proposed comments from COHBE staff. The policy was unanimously supported by the Rules and Regulations Review Committee and being brought to the Board for vote.

No further Board discussion.

ii. Public comment

No public comment.

iii. Vote

To motion to move the proposed comments from the Board to the Department of Health and Human Services was unanimously approved. There were 8 voting members present.

4. Policy & Process Topics – Connect for Health Assistance Network

a. Assistance Network Conflict of Interest Policy

i. Presentation

Adela Flores-Brennan [presented](#) on the Conflict of Interest Framework for Assistance Sites and Health Coverage Guides.

Gretchen Hammer asked for clarification on the exclusion of hospitals from Section 1.2.1 and asked if large public hospitals would be excluded as well. Adela clarified that the language was such so that rural providers would not be excluded from qualifying and that while she does not believe this would exclude a large public hospital, questions such as this would have to be evaluated on a case by case basis and may require legal input.

Sue Birch asked if public health entities or regional care collaborative organizations (RCCOs) would be excluded under Section 1.2.1. Adela replied that there has been interest from some counties and public health organizations, but that RCCOs may present some issues since they are run by health plans. She added that the question has been asked but no decisions have been made at this point.

Beth Soberg asked if COHBE has thought about instances where there may not be a contract but a conflict of interest. Adela replied that this document is an attempt to account for a variety of situations. Beth asked about instances in which a new conflict of interest presents itself after an Assistance Site or Health Coverage Guide is established. Adela replied that COHBE will be monitoring for this during both the selection process and throughout the term of engagement. She added that Health Coverage Guides will be limited in what they are able to do in terms of advice and that COHBE is looking into what Assistance Sites may need to do in order to limit their own liability.

Arnold Salazar asked if it is even possible to have the level of impartiality that COHBE is striving for under these guidelines. He expressed concern that a number of organizations may be squeezed out or allowed in under the impartiality standard.

Nathan Wilkes stated that he would like there to be a standard of disclosure in place. Adela replied that COHBE is looking at implementing a notice or authorization form for users to sign at the beginning of the experience that authorizes letting a guide assist them. She added that this may be a good place for COHBE to provide these disclosures.

Commissioner Riesberg asked if Health Coverage Guides would have any COHBE provided ID cards to identify themselves, or would the organizations that COHBE works with have control over who they designate as Guides. Adela responded that while the Guides would not have ID cards, they would have certification ID numbers that they would have to enter whenever starting the application process for the person they are assisting. Patty Fontneau added that every Guide will need to be certified by COHBE, which is how they will receive their certification ID number.

Under Section 2, Gretchen Hammer noted that 2.5 and 2.7 are repetitive of each other.

Eric Grossman asked if Health Coverage Guide includes both Navigators and Assisters. Adela replied that yes, it was a term created to encompass both of the older terms since COHBE did not see a difference in the services they will be able to provide.



Gretchen Hammer asked for clarification that the Assistance Network would be available for both individuals and small employers. Adela replied that yes, COHBE does foresee that both individuals and small employers could utilize this program to learn more about their options.

Commissioner Riesberg asked if COHBE has given any thought to who they will accept or appoint. Adela replied that no decisions are being made until the process has played out.

Richard Betts moved to accept the Conflict of Interest Framework as a guideline and revisit as needed. Nathan Wilkes seconded.

Patty Fontneau clarified that COHBE would not bring this document back to the Board but would come to the Board on future issues that may arise on this topic as needed.

Rob Ruiz-Moss expressed confusion about the term “guideline” and felt that it should be either COHBE’s policy or not.

Gretchen Hammer clarified that the Board approve adopting this document as the initial Conflict of Interest policy for the Connect for Health Assistance Network. If COHBE determines over time that items from this document need to be brought to the Board for discussion, they will do so. With this in mind, both Richard and Nathan kept their motions for a Board vote.

ii. Public comment

No public comment.

iii. Vote

Vote: The motion to accept the Connect for Health Assistance Network’s Conflict of Interest Framework for Assistance Sites and Health Coverage Guides was passed with a vote of 7-1. There were 8 voting members present. (Yes: Richard Betts, Mike Fallon, Eric Grossman, Gretchen Hammer, Robert Ruiz-Moss, Beth Soberg, and Nathan Wilkes. No: Arnold Salazar.)

b. Colorado Health Foundation Grant Proposal Review

i. Presentation

Adela Flores-Brennan presented an overview of the [grant application](#) to The Colorado Health Foundation (TCHF). She went over the [budget narrative](#) that summarized the [line item budget](#) worksheet.

Eric Grossman asked if this grant application was expected to be an annual application or a one-time application. He asked the same about the federal grant listed in the worksheet as well. Patty Fontneau replied that the TCHF grant is expected to have a Year 2 and Year 3 component, but that COHBE was asked to submit only an application for Year 1. COHBE expects the program to be reduced over the years and the future asks to be reflective of that.

Gretchen Hammer reminded the Board that the request is for approval of solely the TCHF grant amount. There will be discussion around the Level 2 grant at a future date.



Sue Birch asked if other states are looking at outsourcing their outreach and enrollment. Adela replied that other states are exploring their options in a variety of different ways.

Eric Grossman asked how COHBE reached its budget numbers and if COHBE does not receive the TCHF grant, will COHBE still pursue attempting to secure federal funds. Adela replied that the number was reached by looking at the data of who the program may be serving and by how much time an individual would need to spend assisting one person. If no TCHF funding is secured, COHBE will proceed with pursuing federal funds for the Assister program. COHBE is also looking for outside funding support.

Sue Birch shared her experience with the Board on the number of applications HCPF sees and the amount HCPF spends annually to work with around 800,000 people. She believes the magnitude of the grant to be quite modest and that it is imperative to move forward with the Assistance Network program.

Eric Grossman asked if COHBE sees operational revenue supporting the program in the future. Adela replied that COHBE does foresee a smaller program in future years and a phasing out of federal dollars. Cammie Blais added that there was a budget in the sustainability model presented to the Board for this program.

Rob Ruiz-Moss moved to approve COHBE's grant application to The Colorado Health Foundation. Beth Soberg seconded the motion.

No further Board discussion.

ii. Public comment

No public comment.

iii. Vote

The motion was unanimously approved. There were 8 voting members present.

Before heading into a break, Gretchen Hammer opened up the meeting for general public comment. George Lyford from the Colorado Center on Law & Policy asked to revisit the Connect for Health Assistance Network's Conflict of Interest Policy. He asked that to solidify the language under Section 2.6.4 that a Section 1.1.5 be added to state that Navigators or Navigator entities may not receive compensation from insurance producers. Gretchen Hammer noted that since the document was already approved, it would be noted in the public record. George replied that it is more a point of clarification rather than a change in policy.

5. Dental Health Update and Discussion

Patty Fontneau provided an [update](#) on the stand-alone dental plans. She noted that there has been verbal guidance from the federal government that the Exchange has a requirement to offer pediatric dental plans, not a requirement that a customer purchase. COHBE does not have final written regulations at this time and is having informal conversations with health plans and dental plans based on this verbal information.

Arnold Salazar asked that if the Exchange offers the ability to embed dental, will the consumer be able to do a comparison of the stand-alone plans. Patty Fontneau replied that COHBE originally designed the system to shop for medical and dental side-by-side but have since realized that it will not be technologically possible to provide this during the first enrollment period.



Arnold Salazar asked if the Exchange is restricted to only medical and dental stand-alone plans. Patty Fontneau replied that the Exchange will have stand-alone vision as well.

No further Board discussion. Gretchen Hammer opened up the topic for public comment.

Kate Paul, President and CEO of Delta Dental, discussed her three major points made regarding the pediatric dental issue in her January 22, 2013 [letter](#) to Patty Fontneau.

Dr. Ken Peter, President of the Colorado Dental Association and a practicing dentist in the Highlands Ranch area, commented that he is very encouraged about the possibility of all Colorado children receiving pediatric dental benefits.

Mike Huotari from Rocky Mountain Health Plans expressed shared concerns. He asked the Board to think carefully about the public health implications of offering pediatric dental on the Exchange but not requiring its purchase. Eric Grossman asked if there is a difference in the premium for a family with a pediatric dental product and without one. Eric asked if there is a breaking point for families to purchase and not purchase. Mike replied that RMHP does not offer embedded plans so he cannot speak to that.

George Lyford from the Colorado Center on Law & Policy echoed Mike Huotari's concern. He believes any guidance that would allow parents with children to be released from purchasing pediatric dental is concerning and would be interested in seeing such guidance.

Cindy Sovine-Miller, co-chair of the SHOP Advisory Group, asked that if the embedded versus not embedded discussion is revisited again, she would like the Board to honor the stakeholder process and allow it to be discussed in the SHOP group prior to any vote.

Mary Heidbrier, an individual broker for dental and medical plans, commented that the public does not want to be forced to buy things.

6. IV&V Report

Adele Work presented an [overview](#) of the First Data Independent Verification and Validation COHBE Initial Assessment Summary. The document was published on January 30th and presented to the IT & Implementation Committee on February 1st. Adele highlighted a number of issues and commented on their progress since the report.

Richard Betts asked if in the analysis, First Data believed the risks can be addressed and that things are correctable before the next review. Adele replied yes, and that COHBE is working with First Data for the second review to occur in the end of February/early March.

Richard Betts asked what the Board can do to identify and provide resources. Patty Fontneau thanked him and indicated that appropriate resources were currently available and that support would be needed for the next grant period.

Eric Grossman asked about the critical interfaces that must be co-built. He asked if the scope of the first review included entities that are outside of our control. Adele replied that the first review focused on the developmental effort with hCentive and CGI and that the next review will focus on external interfaces.



Rob Ruiz-Moss asked how COHBE will know it will be ready by October 1st and what will be done if not. Patty Fontneau replied that testing will start in April and run through the summer. COHBE has built into the schedule the opportunity and time to correct items during this pilot testing period. End to end testing will occur during the summer.

Gretchen Hammer stated that she will work with Patty Fontneau to determine what pieces will provide the Board a better idea of the end to end flow. As COHBE moves from building to testing, the Board meetings will adjust as well.

Gretchen Hammer asked for any final items for members of the Board to discuss. Commissioner Riesberg mentioned the stakeholder meeting on February 15th to discuss the Alignment Bill and encouraged folks to submit their input both in writing and in person.

IV. Adjourn

The Board meeting adjourned at 11:12 AM.