

# **KENTUCKY HEALTH BENEFIT EXCHANGE ADVISORY BOARD**

## **Meeting Minutes**

**March 28, 2013**

### **Call to Order and Roll Call**

The seventh meeting of the Kentucky Health Benefit Exchange Advisory Board was held on Thursday, March 28, 2013, at 1:30 p.m. in the Second Floor Hearing Room at the Kentucky Department of Insurance. Commissioner Sharon Clark, Chair, called the meeting to order at 1:30 p.m., and the Secretary called the roll.

Board Members Present: Commissioner Sharon Clark, Chair; Gabriela Alcalde (by phone), David Allgood (by phone), Andrea Bennett, Jeff Bringardner, Ed Erway (by phone), Carl Felix, Donna Ghobadi (by phone), Connie Hauser (by phone), Dr. Michael Huang (by phone), Commissioner Larry Kissner, Julie Paxton, Tihisha Rawlins (by phone), Dr. John Thompson (by phone), and Marcus Woodward. Ruth Brinkley, Dr. Joe Ellis, Commissioner Stephen Hall, and Deborah Moessner were not present at the meeting.

Staff Present: Carrie Banahan, Lee Barnard, Reina Diaz-Dempsey, Miriam Fordham, Wanda Fowler, Kris Hayslett, Jean Klinge, Bill Nold, Brenda Parker, Vanessa Petrey, Melea Rivera, Ronda Sloan (DOI), Gary Smith, Brian Staples (DOI), Chandra Venettozzi, and D. J. Wasson (DOI).

### **Approval of Minutes**

A motion was made to accept the minutes of the February 28, 2013, meeting as submitted, seconded, and approved by voice vote.

### **Update on Office of the Kentucky Health Benefit Exchange Activities**

Carrie Banahan, Executive Director, Office of the Kentucky Health Benefit Exchange (KHBE), updated the members on the Exchange activities. Ms. Banahan reported that the KHBE is in the process of drafting administrative regulations for certification of qualified health plans, the Small Business Health Options Program (SHOP), eligibility and enrollment, and Navigators and agents. The KHBE had its Final Detailed Design Review on March 25-26, 2013. Chris Clark, Program Manager, KHBE, reported that Amanda Cowley, Director of Exchanges, Center for Consumer Information and Insurance Oversight, and Nicole Comeaux, Kentucky State Officer, CCIIO, were on-site for the design review while other staff from CCIIO and the Centers for Medicare and Medicaid Services (CMS) participated through video conferencing. The design review included a review of the system architecture and the KHBE's plan for conducting the eligibility and enrollment functions. The KHBE received encouraging feedback, and, based on CCIIO's assessment, Kentucky is among the states listed as "least risky". Mr. Clark further reported that the KHBE is on track with the build out of the Exchange and is awaiting formal feedback from CMS. The KHBE is participating in the first wave of testing with the federal hub,

which is going well. The KHBE is now looking ahead to testing, training, and, ultimately, implementation.

## **Subcommittee Reports**

### Behavioral Health Subcommittee

Julie Paxton, Chair, reported that the Behavioral Health Subcommittee held a meeting on March 19, 2013, and the Behavioral Health Work Group met twice. The credentialing of providers and network adequacy were the two main issues discussed at the work group meetings. The Department of Insurance determines network adequacy using the Insurance Code and federal standards. The KHBE is waiting for the list of essential community providers to be issued by the U.S. Health Resources and Services Administration (HRSA) in order to determine which providers are included. The subcommittee reviewed responses regarding prior authorization and precertifications in relation to mental health parity and the medical necessity criteria submitted by Anthem, Bluegrass Family Health, Humana, and United HealthCare/Optum. The subcommittee also discussed mental health parity and clinical review criteria. The subcommittee and work group set a tentative meeting date of April 9, 2013. The findings of the Behavioral Health Work Group will be discussed at the next subcommittee meeting. The subcommittee will continue to act in an advisory capacity.

### Dental/Vision Subcommittee

Dr. John Thompson, reporting on behalf of Dr. Joe Ellis, Chair, reported that the Dental/Vision Subcommittee has not met since the last Advisory Board meeting. New rules on dental plans were issued by HHS, but there were no changes to the subcommittee's consideration of the issue due to the final rules. The subcommittee recommendations will need to be adopted by the Qualified Health Plans Subcommittee.

### Education/Outreach Subcommittee

Marcus Woodward, acting on behalf of Tihisha Rawlins, Chair, reported that the Education and Outreach Subcommittee held a meeting on March 18, 2013, had one member leave the subcommittee, and added two new members. Seven consumers and advocates reviewed the Self-Service Portal (SSP) screens and provided input on areas that required additional explanation and the estimated time needed to complete the application process. The KHBE presented the draft media and outreach plan and informed the subcommittee members about the work to date including the SSP, focus groups, and contact center. The KHBE also provided the subcommittee with a draft timeline for the branding and marketing campaign as requested by members. The subcommittee requested that members review all education and outreach materials before the materials are made available to the public and that user acceptance testing be conducted again before the SSP goes into production. A subcommittee member raised concerns about the ability to offer assistance to individuals who do not speak English. KHBE staff informed the subcommittee that the contact center will offer the services of interpreters utilizing a three-way calling system. The subcommittee will continue discussions on outreach and education activities to be undertaken by the Exchange. The next meeting of the subcommittee is scheduled for April 23, 2013.

### Navigator/Agent Subcommittee

Marcus Woodward, Chair, reported that the Navigator/Agent Subcommittee met on March 21, 2013. The subcommittee members discussed a white paper prepared by the KHBE that focused on determining the roles and responsibilities of agents, Certified Application Counselors, In-Person Assistants, and Navigators. The subcommittee recommends that the training curriculum template as presented by the KHBE be approved to proceed with training planning and to include refresher training and testing for agents, Certified Application Counselors, In-Person Assistants, and Navigators, and that the KHBE work cooperatively with the Department of Insurance to pursue the possibility of the training hours counting toward Continuing Education (CE) credits. The Navigator/Agent Task Force will meet on April 4, 2013, to discuss time sensitive issues including draft Navigator administrative regulations, appointment requirements, participation agreements for Navigators and agents, possible penalties for crossing responsibility lines, and development of performance standards. The Navigator/Agent Subcommittee will meet on April 18, 2013.

### Qualified Health Plans Subcommittee

Carl Felix, acting on behalf of Deborah Moessner, Chair, reported that the Qualified Health Plans (QHP) Subcommittee met earlier in the day and was updated on Exchange activities and given a status report on various issues previously discussed including the draft QHP administrative regulation and dental plans. The KHBE is working on incorporating the responses, as appropriate, to the QHP administrative regulation draft. The Department of Insurance (DOI) is working on establishing the requirements for insurers to meet the “reasonable assurance” standard for dental plans offered outside the Exchange. The subcommittee also discussed essential community providers (ECPs). The U.S. Department of Health and Human Services (HHS) recently issued a list of ECPs by state. The rule on network adequacy requires the inclusion of ECPs in an insurer’s network. Members raised concerns about insurers that do not include all the ECPs in their network. HHS has indicated that there are other mechanisms to meet the requirement for inclusion of ECPs – a 10% or 20% standard. Members also discussed the single streamlined application. The KHBE is developing a single streamlined application that will follow as closely as possible to the federal application. The KHBE will have to seek approval from CCHIO for Kentucky’s single streamlined application.

The SHOP Subcommittee was considered to be the most appropriate for discussion of the wellness credits. The members approved a motion to move the discussion of wellness credits to the SHOP Subcommittee.

### Small Employer Health Options Program (SHOP) Subcommittee

Jeff Bringardner, Chair, reported that the SHOP Subcommittee held a meeting on March 14, 2013. The subcommittee discussed valid employee waivers, extending open enrollment at the request of an employer, basing employer minimum contributions on individual or composite ratings, reference plans, appointment of agents, and implications for the SHOP of the new final and proposed rules recently released by HHS. The subcommittee was also briefed on the agent database maintained by the Department of Insurance. A draft regulation for the SHOP Exchange will be available prior to the next subcommittee meeting.

The SHOP Subcommittee recommends that valid employee waivers include coverage by another employer's plan, a spouse's plan, an individual plan, Medicare, Medicaid, the Children's Health Insurance Program (CHIP), TRICARE or other veteran's coverage and if an individual resides outside the service area of the employer. The subcommittee also recommends that open enrollment may be extended up to 15 additional days, upon request of an employer.

The next meeting of the SHOP subcommittee is scheduled for Thursday, April 11, 2013. The subcommittee will continue its discussion on defining employer minimum contributions.

A motion to accept the subcommittee reports including the recommendations contained therein was made, seconded, and approved by voice vote.

### **Other Business**

The next meeting of the Advisory Board will be on April 25, 2013, at 1:30 p.m., in the Large Conference Room at the Office of the Kentucky Health Benefit Exchange.

Audience members put forth questions regarding the Exchange to KHBE staff and board members.

### **Adjournment**

The meeting was adjourned at 2:20 p.m.