HEALTH EXCHANGE ADVISORY BOARD MINUTES

June 14, 2013

The meeting was called to order by co-chair, Lisa Guertin at 9:15 a.m. on June 14, 2013, at the Delta Dental Office Building in Concord, New Hampshire.

Board members present: Scott Baetz, Nancy Clark, Lisa Guertin, Lisa Kaplan Howe, Lisa Morris, Sandra Ruka, Timothy Soucy, Raymond White, Insurance Commissioner Roger Sevigny and Health and Human Services Commissioner Nick Toundpas.

Absent were: Christine Alibrandi, Russell Grazier, Beth Roberts, and Beryl McCormack.

After welcoming everyone, Lisa introduced Tom Raffio, President and CEO, of Northeast Delta Dental and thanked him for the use of their conference room for the meeting. The meeting began with Lisa asking for an informal approval of the May 10, 2013 minutes (all concurred) and reviewing the agenda.

Lisa then introduced a special guest, Raymond Hurd, who is the Regional Administrator for CMS (Centers for Medicare/Medicaid Services). Ray introduced himself and told the group that CMS is available for assistance.

LAH Legal Counsel Jenny Patterson then provided an update on the Market Rules Bill (HB 668), which would align state rules and requirements with the ACA, not just on the Exchange but for all policies in the individual and small group markets. HB 668 passed the NH House but was voted ITL (Inexpedient to Legislate) in the Senate. The House voted to add the bill’s language to a different bill, SB 148, and it will go to a Committee of Conference next week. The hope is that the Committee of Conference will reach a resolution and bring clarity to the markets. Commissioner Sevigny sent letters on May 24, 2013 to the Senate Commerce Committee and on June 4, 2013 to the full Senate to urge passage of the bill and to explain its importance in retaining state regulatory authority over New Hampshire’s insurance markets. At Senator Bradley’s request Jenny also sent a legal memorandum on June 13, 2013 to Senator Bradley explaining the legal issues of preemption, and how it might affect New Hampshire’s health insurance markets in the event HB 668 is not enacted. (All of these documents are posted on the Department’s website.) Failure to pass some version of the bill would affect Department’s ability to be a regulator in New Hampshire, and result in the federal government becoming the regulator of the individual and small group markets. In addition, it could result in pure community rating in the small group market.

At this point, Lisa Morris asked for more detail relative to HB 668. Jenny explained that the rating factors in the small group market for New Hampshire include age and group size. If HB 668 does not pass, it could shift the market in New Hampshire to a pure community rating system, in which all
covered persons would be charged the same premium, with rates varying only by the number of people covered, not any other factor like age.

Sandra Ruka asked if calls should be made to the local senators to ask them to reassess their vote; Commissioner Sevigny replied that it would be the members of the committee of conference who would be the focus at this point.

Commissioner Sevigny then explained the status of the $5.3 million Consumer Assistance grant. As discussed in previous meetings, the purpose of this grant was to fund New Hampshire-specific outreach and education about the Exchange, as well as oversight of Navigators (selected by the federal government), and potentially operation of a temporary supplemental in-person assistance program.

The Department had initially presented approximately $300,000 of this grant to the joint legislative Fiscal Committee; this amount was intended for use in fiscal year 2013, which ends June 30. The Department also sought, in the Senate Finance Committee, to add the full grant amount to the Insurance Department’s FY 2014 budget. However, to date neither funding request has been approved by the legislative committees, and the budget passed by the Senate did not include the grant funds.

In an effort to flesh out the details of the consumer assistance activities, the Insurance Department met with insurance producers twice and also had a very productive brainstorming meeting with consumers, providers, and others with an interest in assisting consumers. Without the grant funding, however, these activities are presently on hold.

Lisa Guertin commented that the letter the Board sent to the Oversight Committee suggested we take the money, they listened well, the meeting was well attended, there was strong support and still action was not taken. Scott Baetz commented that he has sent emails and phone calls to ask for more information on why the vote went the way it did, he has had no response. He would like it explained.

Discussion continued on the topic of what the state’s consumer assistance approach might be without the grant funds, with various Board members commenting and asking questions. Lisa Kaplan Howe emphasized that we should not give up, because people need to understand how the Exchange will work. Scott agreed that people need to made educated choices. Lisa Morris commented that the Department needs resources to do something so huge.

Tim Soucy asked if the Consumer Assistance grant could be accepted by anyone other than the State, and Roger replied no. Scott suggested that it might be helpful to do a further analysis of what we are going to use the funds for, maybe put together a road map, and have more detailed plans. Lisa Morris disagreed, saying that we have already done this, to no avail.

Lisa Kaplan Howe said we can talk about what we’d do without resources, but whatever it is, it would be wholly inadequate. Lisa Morris asked what other states with a fully federal Exchange are doing; do the feds have money to do the outreach themselves? Jenny explained that the federal navigator
program is funded at $600,000 for New Hampshire, and in addition, there are HRSA grants for New Hampshire’s federally qualified health centers to do outreach. Other than that, there is no NH-specific money for outreach and education, other than the $5.3 million consumer assistance grant, which we lack legislative authorization to spend.

Ray Hurd from CMS agreed that we were right on the money in explaining this. Lisa Kaplan Howe also agreed that there are no equivalent funds for the feds to take over for consumer outreach.

Lisa Guertin then asked about Medicaid Expansion. Commissioner Toumpas told the group that it was being discussed in the legislature, and officially takes the form of an amendment to the budget bill (HB 2), which that bill’s Committee of Conference will discuss on Monday. If it does not end up in the budget, but it is authorized by the Legislature to take place, he would need to go to the Fiscal Committee for approval of the $300 million for the expansion. Lisa Morris asked about the status of managed care. Commissioner Toumpas told the group that they have three contracts (2nd year of program) before G&C (Governor and Council) for next week. DHHS has a commitment to the program and a plan ready to implement it. If the legislature does not vote for Medicaid Expansion, we are still ready to implement it when we go live.

The meeting continued with Lisa Guertin asking board members to speak about the status of any consumer assistance planning efforts that are going forward separately from the partnership and the state’s efforts. Lisa Morris reported that the ServiceLink network had filed an application for Navigator funding, but felt that the available funds were not nearly what they need. Once their capacity was met, they would refer people to other navigators. Lisa G. asked for more background on ServiceLink for those who aren’t familiar with it. Lisa M. explained that the statewide ServiceLink network focuses on adults 18-64, with much experience on Medicare, outreach and education. Tim Soucy then mentioned Bi-State allying with ServiceLink. Lisa Kaplan Howe joined the discussion and talked about the HRSA money ($760 thousand), which has been allocated to FQHCs based on existing populations served, but it’s NOT to serve new populations as they grow. Lisa K-H. said she believes other NH organizations have applied for navigator status, but does not know the details.

Lisa Guertin then asked if we could get a list of applicants, and Ray Hurd (CMS) replied that they don’t generally give that information out. He suggested a formal request (FOIA) to find out where the $600 thousand is going.

Lisa Kaplan Howe said that NH Voices for Health would like to help with the networking and coordination, to make consumer outreach efforts more efficient. They have asked people to share information with Voices, and have monthly meetings of their Consumer Assistance Planning Task Force, to allow people to talk about what the needs are in NH and to think creatively so as not to duplicate services. All are welcome. They will take a look at the law, to see if there is any low hanging fruit given that the $5.4 million can’t be replicated.

Lisa Morris then asked what the feds will do if NH can’t use the grant money. Ray Hurd of CMS told the group that CMS has a goal to educate the uninsured. Maine and New Jersey, which are also in the region he directs, will have fully federal Exchanges and there will be some federal outreach efforts
there; however, as discussed earlier, federal resources for this are limited. If the grant money can’t be used, CMS staff will work with local organizations and other federal agencies in NH, like Labor and the Small Business Administration. On a national basis, there will be social media advertising focusing on the uninsured. The focus of actual media buys would be on FFE states with a large population of uninsured. In New Hampshire, most likely they would be looking at organizations already working with targeted populations, whose staff could be trained as Certified Application Counselors. Agents/brokers could be trained to assist people as well. Lisa Kaplan Howe mentioned that Certified Application Counselors are not funded, so there would be a question about how much additional work these organizations could absorb. Tim Soucy asked how long the training was, and Ray explained that it would be 20-30 hours online, but that the modules are not completed yet.

Greta Johansson from the Small Business Administration spoke and told the group that they are training their own small business advisers and that Tom Raffio is involved in this training.

Commissioner Sevigny mentioned that the hope with the grant application was to take some of the grant funds and wrap their arms around all groups doing outreach, so as to coordinate the message regardless of who delivers it.

A member of the audience brought up the subject of affordability. Ray Hurd explained that this is not a technical term because what is affordable for some is not affordable for others. He then outlined the affordability subsidies and tax credits – essentially, the less you make, the more the feds make up the difference. Commissioner Sevigny said we won’t know about actual premiums until the carriers file their rates.

Lisa Kaplan Howe asked about outreach plans by NH DHHS. Commissioner Toumpas said that their general approach is to look at tasks and map out a process, taking the most critical things first. Where resources are limited, they will have to get creative, but everything they would want to do may not get done. Katja Fox of NH DHHS explained to the group that they have been talking internally about all the change that is coming at the same time, for much the same populations: conversion to Medicaid Managed Care, Medicaid Expansion, and the Exchange, and how planning will be essential to convey a clear message. They welcome ideas on how to manage the amount of information going to the same people. Nick noted that people typically will go to existing trusted entities, so there is a need to map out an approach based on what you know of the population. What you do in Manchester may be very different from what you do in the North Country. The focus would be on high-value activities and leveraging existing resources. We don’t even know how much it will cost, because DHHS hasn’t mapped it out yet.

At this point Lisa Guertin suggested that Nick use the Board as needed. And Nick thought we’d have a better understanding by next meeting, and will brief the board then. Lisa Morris hopes that both agencies can work together and get community involved to make a map that includes navigators. Commissioner Sevigny and Commissioner Toumpas said that they were committed to the best for New Hampshire citizens.
A general conversation took place and it was mentioned that AARP was looking for volunteers to go out into community, and that NH Voices for Health does not supply direct service, but CMS, Bi-State and ServiceLink were offering to work with us. DHHS has an overlap of activities to figure out what is possible, Small Business Administration seeking to educate consumer adviser and CMS is offering to work with us. Newsletter for AARP training program to educate. Lisa Morris mentioned that AARP and ServiceLink partner up and Jenny commented that a number of organizations are interested.

We then went on to Item 3 of the agenda, topics for the next Board meeting. Medicaid Expansion is one update; Scott asked that Board members continue to bring concerns and thoughts on behalf of constituencies, identifying priorities and best methods for outreach to specific constituencies, and asked the Board to each bring several concerns in writing. Revisiting the conversation about funding was another topic that Scott suggested. Tim Soucy agreed and also commented that the Department has done a great job of education but we need to bring specific concerns forward. Sandra Ruka added that we represented different groups, Lisa Kaplan Howe offered to try to figure out one planning effort, need to coordinate efforts. Lisa Guertin suggested work offline to get questions out ahead of time. Scott and Jenny agreed to work on that.

The next meeting was discussed and all agreed not to postpone because some will be away on vacation. The next meeting will be July 12, 2013 at 9:15 at the Delta Dental Building. Public Comments were then asked for.

Tom Welden, a broker, talked about the survey that the NH Insurance Department sent out and told the group that many producers are interested in assisting, but they have a lot of unanswered questions, with the biggest being what the product will look like. Tom stressed that it is important for NH to remain an attractive place for business to come and a concern that with only one carrier on the exchange NH will not be seen as a good market. Producers will be involved in the process-- have been talking to legislators, along with the Department, need order in market to attract business.

Ray Hurd was asked about continuing education for producers, what courses should agents and brokers be taking? Mr. Hurd responded that right now CMS is not issuing any guidelines on basic insurance rules, and that training could possibly be just a web based certificate course, shorter than the navigator training. At this point Ray White joined the conversation mentioning that he potentially sees four certifications for producers: senior age product which is about 20 hours, individual market plan, SHOP marketplace, and consumer assistance counselor. Ray Hurd responded that some of these certificates overlap, and if you are an agent/producer you would only need one marketplace certificate. Would not need a certified application counselor certificate.

At this time, there were no more public comments and the meeting adjourned at 10:45 a.m.