



Pennsylvania Health Insurance Exchange Authority d/b/a Pennie®
BOARD of DIRECTORS MEETING MINUTES

Date: August 18, 2022
Time: 12:00 PM – 3:30 PM
Location: Microsoft Teams meeting

Preliminary Matters

- Call to Order
- Roll Call
 - Commissioner Mike Humphreys, Acting Commissioner, Pennsylvania Insurance Department (Chair) - **Present**
 - Sheryl Kashuba, University of Pittsburgh Medical Center Health Plan (Vice Chair) - **Present**
 - Dr. Denise Johnson, Acting Secretary of Health and Physician General, Department of Health
 - Megan Barbour as designee - **Present**
 - Jessica Brooks, Pittsburgh Business Group on Health - **Present**
 - Frank Fernandez, Capital Blue Cross - **Present**
 - Antoinette Kraus, Pennsylvania Health Access Network - **Present**
 - Laval Miller-Wilson, Pennsylvania Health Law Project - **Present**
 - Alexis Miller, Highmark - **Present**
 - Paula Sunshine, Independence Blue Cross - **Present**
 - Meg Snead, Secretary, Department of Human Services
 - Cathy Buhrig as designee - **Present**
 - Tia Whitaker, Pennsylvania Association of Community Health Centers – **Present**

• **Minutes**

- **Main Motion:** To adopt the minutes of the June 17, 2022, Special Meeting of the PHIEA Board of Directors.
 - Motion: Paula Sunshine
 - Second: Alexis Miller
 - Board Decision: Unanimous (11-0)

- **The floor was opened for public comments, of which there were none.**

• **Administrative Matters**

- American Rescue Plan (ARP) Subsidies/Public Health Emergency (PHE) Unwinding Update
 - Executive Director Sherman shared that President Biden signed the Inflation Reduction Act into law on August 16, 2022. This extends the current subsidy levels available through Pennie® and marketplaces across the country into 2025. All contingency plans that were made in case the subsidies were not extended or modified can be retired and we can move forward with a launch of Open Enrollment and the renewal process.
 - Executive Director Sherman shared an update on whether the federal government would give states the 60-day advance notice of the end of the PHE and no notice was given. This signals that the current end of PHE in mid-October will likely be extended for at least another 90 days to mid-January.
- Introduce new Chief of Diversity Equity and Inclusion (DEI) – Guerline Laurore, Esq.
 - Executive Director Sherman introduced Guerline Laurore to the Board and Guerline took the floor to say a few words.
- Q1 and Q2 Financial Statement Questions Only
 - Executive Director Sherman asked for any questions regarding the Q1 and Q2 2022 Financial Statements noting that the statements show that we are on target in terms of



revenue and on target or slightly under in terms of budget to actuals. There were no additional questions or requests.

- **Section 1557 Proposed Rule Comment Letter**
 - Policy Director David Thomsen shared that the U.S. Department of Health and Human Services issued a Notice of Proposed Rulemaking regarding Section 1557 of the Affordable Care Act.
 - Policy Director Thomsen presented the Board with the Section 1557 Rule Proposed Comments.
 - **Section 1557 Motion:** Authorize Pennie to submit a comment, supporting the U.S. Department of Health and Human Services' proposed regulation, as outlined by Pennie staff.
 - Motion: Antoinette Kraus
 - Second: Jessica Brooks
 - Board Decision: Unanimous (11-0)
 - Executive Director Sherman stated that once we submit it, we will also share it with the Board in its final form.

- **Benefytt Technologies Federal Trade Commission (FTC) Settlement Special Enrollment Period (SEP)**
 - Executive Director Sherman shared the FTC's settlement regarding Benefytt Technologies who were fraudulently marketing and selling healthcare products.
 - As part of the settlement, the company has agreed to provide the names and information of approximately 95,000 people impacted across the country.
 - The federal government has informed all states that there are people in every state who have been affected.
 - The federal government, through healthcare.gov, plans to initiate an SEP specific to those who have been impacted.
 - **SEP Motion:** To authorize Pennie to adopt an SEP identical to that used by the Federal Marketplace to facilitate enrolling affected individuals into marketplace coverage.
 - Motion: Sheryl Kashuba
 - Second: Tia Whitaker
 - Board Decision: Unanimous (11-0)

- **National Committee for Quality Assurance (NCQA) Health Equity Accreditation**
 - Health Equity Accreditation for Pennie Insurers.
 - Health Equity Accreditation is new and replaces the Multicultural Healthcare Distinction.
 - It promotes health equity through ensuring data-driven approaches and collecting appropriate data and having structures and processes in place.
 - The process is extensive for insurers to achieve the accreditation but once the data and surveys have been gathered, the process starts and it's approximately a 12-month process to achieve the accreditation.
 - Stakeholder feedback revealed broad support that this aligns with Pennie's health equity goals.
 - Some insurers are concerned about the ability to collect some of the data required due to current state statutes and regulations.
 - Pennie could proceed with an approach to implement with or without regulations.
 - Pennie sees a huge value in being able to say that an entity is NCQA-accredited if it is offering plans on the marketplace.
 - Many plans are on the path to achieving this accreditation already.
 - Pennie is not entirely sure how the accreditation will be displayed yet within the shopping tool.
 - Stakeholder feedback was requested and gathered, and next steps were created.
 - Regulatory Process Overview
 - Assistant Counsel, Mark Kovalcin, explained the process to promulgate regulations.
 - Regulatory process is about two years long.
 - Draft regulations go through multiple stages of approval.
 - Proposed and approved regulations can then go through the publication process.



- Public comment period is 30 days.
- Pennie must respond to every comment.
- Final regulations will then be submitted.
- The Pennsylvania Office of Attorney General has final review.
- Non-regulatory path would not allow for the flexibility that can be achieved through regulations.
- No presently known impacts to promulgating regulations with the start of a new administration.
- **Main Motion:** To authorize Pennie to promulgate regulations requiring insurers selling qualified health and dental plans on the exchange to obtain NCQA Health Equity Accreditation, with a target effective date of Plan Year 2025.
 - Motion: Laval Miller-Wilson
 - Second: Jessica Brooks
 - Board Decision: Unanimous (11-0)
- **Assister Program Review/Planning**
 - Cognosante Performance Review
 - Quantitative -160 Pennie-certified assisters, 31 new assisters added.
 - 344 SEP new assister enrollees.
 - Qualitative - Expectations for assisters are that they should be a Pennie ambassador who is a trusted source, they should value serving their community, they should be building out the community network for referrals, and they should provide feedback to Pennie to better our services.
 - Some challenges we faced were lack of awareness among the community, biases against insurance companies, and getting assisters fully certified in a timely manner.
 - Some improvements are encouraging more to become assisters, improving our feedback loop to enhance our efforts, and creating a best practice guide with a referral list to help assisters.
 - Expect assisters to communicate enrollment options and increase awareness in the community.
 - Goals: continue to partner with our subcontractors, backfill vacancies with bilingual assisters, and improve our operational updates communication.
 - Role of Cognosante: execute all our subcontractor agreements, manager assister training modules, help combine all outreach events, and provide financial support with contracts and subcontracts.
- **Executive Session**
 - An executive session was held to seek legal counsel, which if conducted in public, could violate a lawful privilege, or lead to the disclosure of information that is confidentially protected by law.
 - Tia Whitaker recused herself from this session.
- **Return to Public Session**
 - **Main Motion:** To authorize Pennie, pursuant to the Board's Procurement Policy, to exercise spending authority in excess of \$1 million dollars to complete payment under a contract renewal executed with Cognosante. The spending authority shall not exceed the amount allocated to these services by the board in its annual budget for 2022 or 2023.
 - Motion: Laval Miller-Wilson
 - Second: Paula Sunshine
 - Board Decision: 10-0
 - Note: Tia Whitaker abstained
- **Open Enrollment 2023 Preparation**
 - Overarching timeline



- Jennifer Lloyd explained the OEP 2023 Timeline through January 2023.

Due to time constraints, the meeting ended with the discussion of the overarching timeline.

- **Meeting adjourned at approximately 3:23 PM.**