



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

Date: May 31, 2023
Time: 12:00 PM – 3:30 PM
Location: Microsoft Teams meeting

Preliminary Matters

- **Call to Order**
- **Roll Call**
 - Michael Humphreys, Acting Commissioner, Pennsylvania Insurance Department (Chair) - **Present**
 - Sheryl Kashuba, University of Pittsburgh Medical Center Health Plan (Vice Chair) - **Present**
 - Dr. Valerie Arkoosh, Acting Secretary, Department of Human Services - **Present**
 - Dr. Debra Bogen, Acting Secretary, Department of Health - **Present**
 - Frank Fernandez, Capital Blue Cross - **Absent**
 - Antoinette Kraus, Pennsylvania Health Access Network - **Present**
 - Amy Lowenstein, Pennsylvania Health Law Project - **Present**
 - Alexis Miller, Highmark - **Present**
 - Dr. Tracey Conti, University of Pittsburgh Medical Center - **Present**
 - Koleen Cavanaugh, Independence Blue Cross - **Present**
 - Tia Whitaker, Pennsylvania Association of Community Health Centers - **Present**
- **Minutes**
 - **Motion:** To adopt the minutes of the February 24, 2023, Meeting of the PHIEA Board of Directors.
 - Motion: Tracey Conti
 - Second: Antoinette Kraus
 - Board Decision: Unanimous (11-0)
 - **Note:** Frank Fernandez was not in attendance.
- **The floor was opened for public comments, of which there were none.**
- **Administrative Matters**
 - Executive Director Devon Trolley introduced the newest board member, Amy Lowenstein, and highlighted what Pennie® has been working on since the last meeting and what will be discussed in further detail at this meeting.
- **2023 Strategic Planning Refresher**
 - Jennifer Lloyd, Special Advisor to the Executive Director, provided a brief refresher on the 2023 Strategic Planning meeting in preparation for the discussions to be had in this meeting.
- **Medicaid Unwinding Report Out**
 - Executive Director Trolley provided an update on the status of the unwinding of the public health emergency (PHE). Ben Schrass, Director of IT, presented the initial data analysis, including trends Pennie has been able to witness so far.
- **Consumer-Focused Initiatives**
 - Executive Director Trolley and David Thomsen, Director of Policy, presented two consumer-focused initiatives that Pennie has developed to help the organization run more efficiently and address common consumer issues: Data Matching Inconsistencies (DMI) and retroactive termination requests.



- **Motion:** To allow Pennie greater flexibility in resolving DMI by accepting an attestation form, in addition to allowing those consumers affected by DMI adverse actions an opportunity to retain coverage with consistent financial help, applied retroactively if applicable.
 - Motion: Antoinette Kraus
 - Second: Tia Whitaker
 - Board Decision: Unanimous (10-0)
 - **Note:** Frank Fernandez was not in attendance.
- **Action Item:** Pennie is to begin tracking how many policies are affected by adverse actions taken following a DMI (specifically an income DMI) and how many policies are reinstated through this new policy.
- **Action Item:** Pennie is to consider using other resources, such as insurers, to help resolve a DMI.

- **Motion:** To authorize Pennie to allow retroactive terminations for customers enrolled in other coverage whose request is received up to 30 days after the requested coverage end date.
 - This motion was not voted upon at this time. It will be revised and revisited at the next board meeting.

- **Monitoring National Policy**
 - David Thomsen presented the proposed rule issued by the Department of Health and Human Services (DHHS) regarding marketplace eligibility for Deferred Action for Childhood Arrivals (DACA) recipients and Pennie’s plan to submit a letter in support of this proposed rule.
 - **Motion:** To authorize Executive Director Devon Trolley to submit comments to DHHS in support of its proposed rule, Clarifying Eligibility for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, a Basic Health Program, and for Some Medicaid and Children’s Health Insurance Program.
 - Motion: Sheryl Kashuba
 - Second: Tracey Conti
 - Board Decision: Unanimous (10-0)
 - Note: Frank Fernandez was not in attendance.

- **Executive Session**
 - An executive session was held to discuss legally privileged or confidential matters, which if conducted in public could violate lawful privilege or lead to the disclosure of information that is confidentially protected by law.

- **Return to Public Session**

- **Votes on Matters Discussed During Executive Session**
 - Assister Contract Renewal
 - **Motion:** To authorize Executive Director Devon Trolley to execute and take the appropriate action to fund the full 2023-2024 assister contract renewal which includes the base contract and the expanded assister network activities.
 - Motion: Alexis Miller
 - Second: Sheryl Kashuba
 - Board Decision: Unanimous (9-0)
 - **Note:** Tia Whitaker abstained. Frank Fernandez was not in attendance.

 - Health Equity Accreditation Regulations
 - **Motion:** To amend the August 10, 2022 motion authorizing Pennie to promulgate regulations requiring insurers selling qualified health and dental plans on the exchange to obtain National Committee for Quality Assurance (NCQA) Health Equity Accreditation by removing any NCQA



accreditation requirements and instead authorize Pennie to promulgate regulations requiring insurers selling qualified health and dental plans on the exchange to achieve health equity accreditation by a recognized health equity accreditation program.

- Motion: Tracey Conti
 - Second: Debra Bogen
 - Board Decision: Unanimous (10-0)
 - **Note:** Frank Fernandez was not in attendance.
- 2022 SMART Audit
 - **Motion:** To authorize Executive Director Devon Trolley to submit the required corrective action plan to CMS as part of Pennie’s SMART audit, to make any adjustments required by CMS, and, upon approval, take the necessary steps to complete the corrective action plan and post the audit publicly in accordance with law.
 - Motion: Tia Whitaker
 - Second: Antoinette Kraus
 - Board Decision: Unanimous (10-0)
 - **Note:** Frank Fernandez was not in attendance.
- **End of Meeting**
 - **Motion:** To postpone the strategic projects update and retroactive termination discussion to the next board meeting and adjourn this meeting.
 - Motion: Koleen Cavanaugh
 - Second: Tia Whitaker
 - Board decision: Unanimous (10-0)
 - **Note:** Frank Fernandez was not in attendance.
- **Meeting adjourned at approximately 3:35 pm.**