



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

Date: June 17, 2022
Time: 12:00 PM – 2:00 PM
Location: Microsoft Teams meeting

Preliminary Matters

- **Call to Order**
- **Roll Call**
 - Commissioner Mike Humphreys, Acting 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 (Joined meeting at 12:16 PM.)**
 - Frank Fernandez, Capital Blue Cross - **Present**
 - Antoinette Kraus, Pennsylvania Health Access Network - **Present**
 - Laval Miller-Wilson, PA 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 **May 10, 2022**, Meeting of the PHIEA Board of Directors.
 - Motion: Paula Sunshine
 - Second: Laval Miller-Wilson
 - Board Decision: Unanimous (11-0)
 - **Note:** Jessica Brooks was not in attendance for this vote. Her vote was given by proxy to Tia Whitaker.
- **The floor was opened for public comments, of which there were none.**
- **Public Health Emergency (PHE) Report Out**
 - Executive Director Sherman gave an update on Pennie’s activity since the last meeting in May regarding the status of the public health emergency (PHE).
 - Executive Director Sherman provided the Board with a brief reminder of the emerging quantification for the PHE unwinding based on Department of Human Services’ (DHS) estimates.
 - Based on historical volumes of account transfers (ATs) that were sent to Pennie from DHS prior to the PHE, Pennie could expect to receive approximately 27,000 ATs per month from DHS under normal circumstances; however, during the PHE unwinding, Pennie expects monthly AT volumes to be at least double historical volumes.
 - Once DHS resumes redeterminations for the entirety of the caseload, those Medical Assistance (MA) recipients who do not yet have an overdue renewal will be processed by DHS through the normal 12-month redetermination schedule, however, the recipients who have an overdue renewal and have been maintained on MA due to the PHE will be unwound during the 6 month period.



- **Earlier Coverage Effective Date Policy Proposals**

- Executive Director Sherman presented the Board with the two possible proposals and the stakeholder feedback to these proposals, as well as alternative approaches.
 - Stakeholders were surveyed on the 120-day earlier effective date proposal before the last meeting in May.
 - Stakeholders were surveyed on the first 60-day earlier effective date proposal before this meeting.
 - Concerns were expressed regarding the inability to answer survey questions as accurately as some stakeholders may have liked. Pennie recognizes that the survey did have some limitations, yet strong efforts were made to give stakeholders the opportunity to express their opinions on the proposals.
 - The Board discussed the possibility of increasing rates as a possible solution to balance the risk with this earlier coverage effective date policy proposal. The consensus was that this would not be an option worth pursuing at this time because of unintended consequences identified.
 - Several members of the Board expressed an interest in only offering this choice of coverage start dates to those losing Medical Assistance (MA) or CHIP, due to the unprecedented nature of the PHE unwinding, and as a means of mitigating adverse selection concerns.
 - In order to access the option of earlier coverage start dates, Pennie intends to make the verification of the reported qualifying life event (QLE) attestation-based. Pennie however reserves the right to investigate any claims of fraudulent use of the QLE.

- **Executive Session**

- An executive session was held to seek legal counsel regarding these policies, which if conducted in public, could violate a lawful privilege, or lead to the disclosure of information that is confidentially protected by law.

- **Return to Public Session**

- **Main Motion:** To adopt a policy permitting the selection of an earlier coverage effective date for those who lose Medical Assistance or CHIP—their minimum essential coverage—because of the Public Health Emergency unwinding process.
 - Under this policy, the customer’s option to select an earlier effective date will be limited to the first 60 days following a loss of Medical Assistance or CHIP.
 - This policy would require a consumer to purchase prospective insurance unless they affirmatively select to purchase the entire period of earlier coverage.
 - This policy would be effective on the first day following termination of the Public Health Emergency and end the day after the Pennsylvania Department of Human Services has completed reevaluating MA and CHIP recipients as a result of the Public Health Emergency’s termination.
- Motion: Paula Sunshine
- Second: Frank Fernandez
- Board Discussion
 - **Motion to Amend:** To amend the customer’s option to select an earlier effective date from 60 days to 120 days.
 - Motion: Laval Miller-Wilson
 - Second: Jessica Brooks



- Board Discussion: There is a feeling amongst a group of board members that 60 days is not enough time to offer this coverage start date choice to consumers due to the expected transfer volumes during the shortened 6 month unwinding period. The concern is there will be a ballooning effect of not capturing consumers who lost coverage. Other board members feel 60 days is a fair compromise on offering this flexibility with regard to coverage start dates, while also recognizing concerns on adverse selection, insurer participation, and affordable premiums.
- **Board Decision to amend Main Motion:** 4 yeas, 7 nays.
 - The motion to amend fails.
- Return to Board discussion on the Main Motion.
- **Board Decision on Main Motion:** 7 yeas, 4 nays.
 - The motion carries.
- Executive Director Sherman expressed his appreciation for the attention and dedication to this work. He believes we landed in the right place that will do a lot of good for consumers, bring a lot of stability to the market, and limit the number of consumers who fall through the cracks during the PHE unwinding process.

With respect to time, the Commissioner chose to save the stakeholder feedback on National Committee for Quality Assurance (NCQA) health equity accreditation discussion for the next meeting.

- Meeting adjourned at approximately 2:27 PM.