



Consumer and Small Employer Advisory Committee Meeting Minutes

Tuesday, June 25, 2:30 – 5 p.m.

UCare, 500 NE Stinson Blvd, Minneapolis, MN 55413

Members in attendance: Grace Aysta (via phone), Matthew Flory (via phone), Leigh Grauman (via phone), Richard Klick, Ann McIntosh (via phone), Denise Robertson (via phone), Kathleen Saari (via phone)

Members not in attendance: Matthew Steffens – Chair, Kim Johnson, Kate Onyeneho, Jamie Rancour

Staff in attendance: Christina Wessel – Senior Director of Partner and Board Relations, Aaron Sinner – Board and Federal Relations Director, Xee Yang – Legal Analyst

Guests in attendance: Senator Kathy Sheran, MNsure Board Chair

Meeting Topics

Welcome & Roll Call (Attendance)

Richard Klick, CSEAC member

Dick Klick called the meeting to order at 2:37 p.m. Dick noted that with Matt Steffens' absence, he would be facilitating the meeting. Dick took roll call and each committee member introduced themselves. Dick informed committee members that former state senator Kathy Sheran, MNsure board chair, was a special guest in attendance. Senator Sheran extended her appreciation to the committee.

Approval of May Meeting Minutes

CSEAC Members

MOTION: Grace Aysta moved to approve the draft May 28, 2019 meeting minutes. Matt Flory seconded. All were in favor and the minutes were approved.

MNsurance Updates

Aaron Sinner, Board and Federal Relations Director

Aaron Sinner, MNsure staff, updated committee members on the MNsure board meeting held June 19, 2019. He noted that the MNsure board elected new leadership: Senator Kathy Sheran is now the board chair and Peter Benner is the new vice-chair.

The legislature adopted an increase to navigator compensation from \$25 to \$70 per Medical Assistance enrollment. Per state statute, the MNSure board is required to ratify navigator compensation changes, which the board voted to do. The increase in navigator compensation begins on July 1, 2019.

Aaron also provided life event change (LEC) statistics to the committee. MNSure currently has under 1,500 unprocessed LECs and has been receiving around 150-160 LECs per day.

Denise Robertson asked if there would be an extension for open enrollment 2020 because the slated date of December 15 is a Sunday. She also noted MinnesotaCare renewals and the Medicare enrollment period happen to be around the same time as the MNSure open enrollment period. Christina Wessel, MNSure staff, responded that the open enrollment period is set federally for November 1 to December 15, 2019, and in the absence of MNSure taking action, Minnesota will comply with that period. Aaron added that in order to extend the enrollment period, MNSure is expected to provide a justification to the federal government.

Senator Sheran asked Aaron and Christina to provide more details on the criteria for an extension. Aaron noted that the justification for an extension is based on exceptional circumstances within the state. He reviewed that two years prior, the Trump administration had announced a shorter open enrollment period, but allowed state-based exchanges to create extensions due to operational concerns if needed due to the short notice of the announcement. The federal government made clear the next year that they expected any further extensions to include a clear justification of exceptional circumstances within the state, and that if they felt state-based exchanges were extending the enrollment periods without clear justification, they might remove state-based exchanges' authority to create extensions.

Senator Sheran asked if the extension would have to be justified with an issue occurring within the state, unlike the Health Reimbursement Arrangement (HRA) regulatory change. Aaron noted that if the HRA rule were particularly difficult to implement in Minnesota, it would be a matter of whether MNSure felt it had a strong enough justification for an extension on these grounds.

Christina added that there were additional constraints to consider regarding implementing an extension, such as changes needed within the system, negotiation with insurance carriers, and the increases in staffing needs that would result.

Denise asked if Aaron or Christina could share the pace of enrollment for December and January in past years to help determine the impact of adding additional time in previous years. Aaron said he would share those metrics with the committee.

Legislative Update

Aaron Sinner, Board and Federal Relations Director

Aaron provided committee members with details of a recent regulatory change related to HRAs. HRAs are a health insurance arrangement under which an employer sets aside money for its employees to use for their health care expenses. About a week and a half prior to the meeting, the Trump administration released a new rule that expands how the dollars can be spent. The

new rule would allow employees to use their HRA funds toward individual health insurance product premiums. There are a few caveats to this new regulation. Because HRA funds are pre-tax dollars, consumers who use their HRA to purchase a plan through MNsure would not qualify for advanced premium tax credits (APTC). Thus, consumers with an HRA would have to purchase an unsubsidized plan.

It is unclear at this time how this regulation would affect the individual market. This may be an opportunity for people to move into the individual market, with a bigger pool of people meaning lower plan rates. However, some experts have also expressed concern related to “high-risk employee dumping,” where employers with higher than average health costs would be more likely to forego traditional small group insurance and instead use an HRA, or even to dump only their sickest employees into the individual market and worsen the risk pool. The HRA rule will be effective for coverage beginning January 1, 2020.

Dick asked if there were any challenges in court to the rule. Aaron stated that he was not aware of any challenges against the rule so far.

Senator Sheran asked if the employer were to provide an HRA but the employee chose to use the HRA for health care costs rather than premium costs, if they would be eligible for tax credits. Aaron responded that he was unsure if the rule would result in a different type of HRA specifically for premium costs, or if it was a strict expansion of the use of permitted expenses for current HRAs. Senator Sheran also asked if co-pays were an example of a health care expense. Aaron confirmed that they would be.

Senator Sheran asked Aaron who would be explaining the new rule to consumers. Aaron noted it was a fairly technical rule, but MNsure hoped intended to help consumers shopping on-exchange understand the implications and the process.

Senator Sheran also asked if the employers have to option to pick which employees receive an HRA and are moved into the individual market. Aaron stated that the Trump administration made some rules to prevent clear cherry-picking, such that an employer must offer the HRA to the same class of employees, such as all full-time employees, part-time employees, seasonal employees or salary-based employees. Offering the HRA to a class of employees is intended to prevent high-risk employee dumping, but it is too early to know if these protections would be sufficient.

Senator Sheran asked Aaron if MNsure would be creating a comparison tool for consumers to help them determine if they should use their HRA or use APTC. Aaron noted that the federal government had previously indicated they would build a tool that could be shared with state-based exchanges, and which MNsure could then host on the MNsure website. The latest update was that the tool may not be ready by fall 2019, but whatever information the federal government had prepared would be shared with MNsure.

Grace asked Aaron if employers would be allowed to restrict the employees from purchasing certain plans or products. Aaron noted there were provisions in the final rules prohibiting the employer from endorsing or steering employees to certain plans.

Denise asked Aaron if MNSure has a plan to reach out to the Chamber of Commerce or Small Business Administration about the new HRA rule and MNSure shopping opportunities. Aaron responded that MNSure will be making plans around outreach to the community, but has nothing firm yet. Denise asked if employees would have an option to choose between employer-sponsored insurance (ESI) or an HRA for their qualified health plan (QHP). Aaron clarified that the employers could offer both ESI and HRA within their business, but not to the same employee. For example, an employer could offer one benefit to all salaried employees and the other benefit to all wage-based employees.

Aaron noted that the state legislative session ended last month with the extension of reinsurance. Federally, Congress was looking at some health care legislation, but nothing directed specifically at the individual market.

Dick asked Aaron about recent changes related to price transparency. Aaron noted that the Trump administration had released a new executive order on price transparency that would direct hospitals and pharmaceutical companies to publish the prices they had negotiated for different services and products. About six months ago, the Trump administration had required that hospitals release their list prices, or “chargemaster prices.” However, the hospital noted that not everyone pays these rates because the prices are usually negotiated. The federal government will now be drafting rules specifying exactly what prices hospitals and pharmaceutical companies would need to publish.

Working Session – continue developing slides to be presented at the board meeting on July 17, 2019

Dick suggested the committee walk through the four recommendations for additional ideas to aide in the presentation. He suggested that if members have additional thoughts, they take five minutes to put their thoughts in writing and send them to Matt Steffens.

Creation of ombudsperson office for health-coverage-related issues

Denise reminded the Committee that she and Mary Ellen Becker had briefly presented about the creation of an ombudsperson office to the MNSure board. She noted that there are many players within the health care space such as the Department of Commerce, the Department of Human Services, insurance carriers, counties and MNSure. The consumer can get stuck in a loop of not knowing which entity they need to contact in order to resolve their issues. Additionally, there is no clearinghouse to log and make policy suggestions based on trends. The theory behind this ombudsperson office recommendation is to help consumers resolve this confusion and improve the process.

Senator Sheran noted that authority for action is always an issue between various departments to be able to accomplish a task and that is the fundamental problem. Senator Sheran noted that an ombudsperson may be able to advocate for consumers, but may not have the authority to fix the issue. She noted MNSure has made efforts, such as the creation of its review resolution team, to better meet consumer needs within the authority that MNSure has.

Dick noted that he sees two factors, funding and control. He asked members with ideas on how to fund such an office, where it should be housed, and what purpose it should serve, to email those thoughts to Matt and to copy Aaron.

Grace noted that perhaps many of the issues arose because DHS, counties and MNSure do not have a collaborative stance. She suggested that if a conference was held between the agencies and if there was more collaboration, there would be less need of an ombudsman office. Ann McIntosh commented that if an ombudsman office helped with consumer issues and collaborated with the agencies, it may be a great addition. Ann also agreed with Grace that a forum for agencies to discuss issues and build relationships would be helpful. Christina noted that there are existing forums such as the METS Executive Steering Committee on IT issues and operations between MNSure and DHS, which meet on a regular basis to address specific issues and identify problems.

Allow submission of life event change (LEC) verification documents online at the time of LEC submission

Denise commented that the main difficulty with verifications is that MNSure, DHS and counties do not share the same verification system, sometimes resulting in multiple verification requests. Denise noted that she has a consumer who reached out to her and stated that he feels vulnerable because he has to submit personal verification documents so often and to so many places. Leigh Grauman shared her experience about the verification process. She stated that occasionally a document can be lost as much as five times before a case is worked. This is an issue with the old way of processing verifications. However, with the help of experienced navigators, there is a smaller chance that a consumer would be confused by the process. Kathy Saari agreed that assisters should help consumers with their verification issues.

Dick asked if it was currently possible to submit verifications at the same time as submission of an LEC. Christina responded that there are online upload options for consumers to provide their verifications, but the consumer needs to provide their case number. As long as the consumer has an active application, they can submit their verification online. MNSure recommends that the consumer wait 24 hours to upload their verifications. Leigh commented that in her experience, the verification upload tool has been very successful. Denise agreed with Leigh about the verification tool. Leigh suggested the recommendation as it is currently written need not be put forth, since there is already a tool to upload documents online.

Interim insurance coverage for those unsuccessful in seeking an appeal through MNSure

Dick informed the committee that he did some investigation with United Health One, a company who had put together a form of interim insurance. He mentioned that HealthPartners, Medica and BlueCross BlueShield had offered interim insurance products as recently as the year prior, but had since stopped doing so. Dick said he believed United Health One was the only company currently writing interim insurance policies in Minnesota, in partnership with a company called the Golden Rule. He noted that this recommendation sounds easy to do, but could prove difficult and expensive. Dick stated that he would like to do further investigation into United Health One

and Golden Rule's offerings and asked Aaron if MNsure could post a link on its website advertising these United Health One interim insurance policies.

Aaron commented that it was unlikely MNsure as a state agency would link directly to a specific private company's offerings. Christina added MNsure would likely look to refer consumers to MNsure brokers or navigators, who could then help them find a product appropriate for their situation.

Executive summary attached to MNsure notices

Dick stated that Grace mentioned a software that could determine the reading level of text. He asked Aaron if MNsure had any software to determine reading level. Aaron responded that the MNsure's communication department uses a software called Hemingway App. The application provides suggestions on phrase or word changes that will bring the text to a lower reading level. Aaron noted that DHS is required to have a 7th grade reading level on their notices, and that MNsure tends to go off of DHS's format. Aaron informed the members that there is likely no pressing need for a new software within MNsure at this time, but if there is a specific new software that would be helpful, committee members are welcome to make a suggestion.

Denise commented that the Centers for Disease Control have health literacy and reading level tools. She said she could share the link with Matt.

Senator Sheran asked Aaron if language is an issue. Aaron responded that some marketing materials are translated into Spanish, Somali and Hmong, but that every MNsure notice includes a language block written in 15 different languages. Denise stated that the page for the language request is usually towards the last pages of the notice. Dick suggested the language block could be added to the executive summary.

Dick suggested a cartoon video to show consumers how to access notifications through their MNsure account. Denise suggested "How to" videos or YouTube links on the MNsure landing page that could instruct consumers on how to make an account and enroll in a plan. Denise suggested "How to" videos could help save time for consumers and MNsure Contact Center representatives. Christina mentioned the new online shopping tool, GetInsured, should have functionality to show the consumers how use their portal and it will have reminder pop-ups to inform the consumer where their notices are located. Aaron noted that he would raise the video suggestions with MNsure communications staff.

Public Comment

No public comment.

Adjourn

Senator Sheran commented that she appreciated listening and understanding the topics that the committee brought forth.

MOTION: Ann moved to adjourn. Kathy seconded. There were no objections and the meeting adjourned at 4:37 p.m.